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ABSTRACT

This report explains the roles and responsibilities of schools in dealing with child abuse. The introduction lists child abuse facts and figures, defines child abuse and neglect, provides a rationale for the involvement of educators in treatment and prevention efforts, and considers ethical issues. Chapter 1, which concentrates on keeping abusers out of schools, presents the Federal Child Abuse Screening Law and the Health and Human Service Department's interpretation of that law. Screening laws are given and screening procedures are discussed at the state level for California, Florida, Maryland, Pennsylvania, and Utah. Chapter 2 focuses on reporting child abuse and provides tables listing by state who must and may report child abuse, reporting procedures, policies of immunity for child abuser reporters, and child abuse registries mandated by statute. Preventing and treating child abuse in the schools is discussed in chapter 3, with special attention paid to federal and state involvement. Chapter 4 examines how the problem of child abuse is handled by the nation's largest school districts: New York City, Los Angeles, Philadelphia, Detroit, Houston, Hawaii, Dallas, and Broward County, Florida; presents a model child abuse policy; and documents efforts against child abuse in Philadelphia. The report concludes with a list of resources. The appendices contain interviewing strategies, a list of physical and behavioral indicators of child abuse and neglect, information on where and how to report child abuse, and selected materials from the "Catalogue of Material" for the Clearinghouse on Child Abuse and Neglect Information. (NRB)

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THE CHILD ABUSE CRISIS:

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IMPACT ON THE SCHOOLS

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THE CHILD ABUSE CRISIS:

IMPACT ON THE SCHOOLS

By A. Kelley Feed
A Special Report From
Capitol Publications, 1300 North 17th Street, Arlington, Virginia 22209

ABOUT THE AUTHOR . . . A. Kelley Fead has been writing about education for nearly seven years. She's reported on education topics that span the age range, from an overhaul of federal college student aid law to state school finance formulas to ways employers are supporting child care. As managing editor and then executive editor of *Education Daily* and *Higher Education Daily*, she oversaw Capitol Publications' array of education newsletters. Before joining Capitol Publications in 1979, Fead worked on Capitol Hill, for a state-level political party and for a San Francisco-based politics and arts magazine. She has a B.A. in English literature from Dartmouth College.

ALSO CONTRIBUTING TO THIS REPORT . . . David Lytle, editor of *Nation's Schools Report* and a freelance education writer, researched and wrote about child abuse programs in the nation's largest school districts. Sue Gubisch designed the cover, and Adon Hachman typeset the tables in the chapter on reporting child abuse. Rosette Graham typeset the rest of the book and did the paste-up. Marcy Swerdlin edited the manuscript.

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HIGHLIGHTS

➤ Child abuse and neglect reporting is up nationwide, and school personnel are partly responsible. Educators represent the largest group of professionals that report suspected child abuse. Experts predict that child abuse will be reported even more frequently in the future because of the heightened sensitivity to the problem.

➤ Weeding out potential abusers by doing criminal background checks on those who work with children, including educators, is a popular idea. But, in practice, such screening doesn't necessarily turn up the most likely abusers. And the screening process can be potentially cumbersome, costly and an invasion of privacy for those being screened. For a screening law to work its best with the least amount of disruption, it must be carefully thought out. Many state legislatures are considering screening laws after the quick passage in 1984 of a federal law to encourage such state legislation. Some laws are already on the books.

➤ Reporting suspected child abuse and neglect is the legal duty of all educators. But its being required doesn't make reporting any easier to do. Educators have got to be aware of state laws and school reporting policies. Experts advise trying to develop good relationships with child welfare authorities, both to gain support for school personnel who do report abuse and to make sure children are helped.

➤ Efforts to prevent and deal with child abuse are blossoming in school districts across the country. Both public and private money and talent are being spent on such projects. The federal government, for instance, plans to support directly seven to 10 local school projects on sexual abuse in 1985. And many of the programs developed under the auspices of state chapters of the National Committee for Prevention of Child Abuse have been funded by a variety of private sources.

➤ The nation's largest school districts have widely differing child abuse programs. Some target their efforts at encouraging reporting by school personnel; others reach out to students to teach them to avoid abuse. Some keep statistics, and others do not. As with most school programs, there is no consistency among districts nor any one source of information about the activities.

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INTRODUCTION

➤An aide at a priv school for the handicapped sexually abuses a teenage boy. Th is sentenced to 15 years in prison. The school director and anc ficial are sued for being aware of but not reporting the incidents.

➤Several children tell their teacher of being molested by relatives after a puppet show on what constitutes "good" and "bad" touches.

➤A five-year-old is abducted and molested by a man during her preschool play group. The elementary school principal earlier in the day had personally escorted the man off school property.

➤A mother and her boyfriend inflict fatal internal injuries on her small son, even after several reports of previous abuse to child protection authorities. The community is up in arms.

➤A few principals decide not to join the rest of their school district in offering programs to teach children about the inviolability of their bodies. The programs don't add much to the curriculum, they say. A local interest group thinks they're scared of community backlash on sex education.

The newspapers are filled with such stories about child abuse. Most cases of abuse involve relatives. Some implicate workers at child care centers. Others point to doctors as the abusers. Still others involve teachers, principals, janitors or bus drivers.

Regardless of who is the abuser, schools feel the reverberations. School personnel are the eyes and ears that first discover many cases of abuse. Schools have the ability to teach kids to protect themselves from abuse and the responsibility to report it once it happens. And schools are the lightning rod for community pressures such as those arising from the child abuse stories.

Nationwide, the panic over child abuse has policymakers turning to the schools. State lawmakers have enacted dozens of approaches to the problem, many of which involve more training for school personnel and new programs for children. The federal government in 1984 hastily passed a law to encourage states to mandate criminal records checks of those who work with children. Several states already do fingerprint educators or are considering that route.

The following report by the Special Projects Unit of Capitol Publications, the nation's leading education newsletter publisher, covers all the roles of schools in this crucial area:

- making sure school personnel are not child abusers,
- reporting abuse, wherever it occurs, and
- preventing and dealing with child abuse through the curriculum and special programs.

WHAT ARE CHILD ABUSE AND NEGLECT?

Basically, there are four types:

1. Physical Abuse:
Includes violent assault with an implement such as a knife or strap, burns, fractures, or other actions leading to possible injury to the child. "Spanking" for purely disciplinary reasons generally is not seen as child abuse.

2. Neglect:
- Physical - Includes abandonment; refusal to seek, allow, or provide treatment for illness or impairment; inadequate physical supervision; disregard of health hazards in the home; and inadequate nutrition, clothing or hygiene when services are available.

- Educational - Includes knowingly permitting chronic truancy, keeping the child home from school repeatedly without cause, or failing to enroll a child in school.

3. Emotional Abuse:
Includes verbal or emotional assault; close confinement such as tying or locking in closet; inadequate nurturance such as that affecting failure-to-thrive babies; knowingly permitting antisocial behavior such as delinquency, or serious alcohol/drug abuse; or refusal to allow medical care for a diagnosed emotional problem.

4. Sexual Abuse:
Includes sexual molestation, incest, and exploitation for prostitution or the production of pornographic materials.

Legally, a "child" usually means a person under age 18, and child abuse and neglect occur at all stages of childhood, including adolescence.

Source: ***Everything You Always Wanted to Know About Child Abuse and Neglect****, National Center on Child Abuse and Neglect, 1984.*

The first chapter deals with the newest, and some say most troublesome, wrinkle in child abuse prevention, that of criminal background screening of people who work with children. The report takes a look at the national law, plus the experiences of five states: California, Florida, Maryland, Pennsylvania and Utah.

The second chapter covers reporting of abuse. Discussed are the obligations of educators nationwide and some of the problems they may encounter. Tables and charts on reporting procedures and immunities granted abuse reporters and the like are included.

The third chapter presents some of the prevention and treatment efforts around the country. Also covered are the federal government's role in support of these programs as well as that of the National Committee for Prevention of Child Abuse. A new law in California — widely hailed by child abuse prevention advocates — is reprinted. And the federal government's new matching funds legislation for children's trust funds is included.

The fourth chapter looks at the overall anti-child abuse efforts — from reporting policies to parenting education to puppet shows — in eight of the nation's largest school districts: New York, Los Angeles, Philadelphia, Houston, Detroit, Hawaii, Dallas and Broward County, Fla.

Chapter five is a last word on schools' reponsibilities. Following that are a list of resources for more information and the appendices, which include tips on talking to a suspected abused child and a listing of where to report abuse in the 50 states.

FACTS AND FIGURES

➢ **Reports of child abuse and neglect are up dramatically nationwide.**

• More than 1 million cases of child maltreatment — an increase of 8.4 percent from the year before — were reported to child protective service agencies in the U.S. and its territories in 1983. [Source: 1985 figures from the American Association for Protecting Children (AAPC) on 1983 reports].

• Those cases involved 1.5 million children, an increase of 15 percent over the number of children involved in 1982. (AAPC)

• More than 1.2 million reported cases of child abuse and neglect nationwide were projected for 1984. [Source: National Committee for Prevention of Child Abuse (NCPCA), *The Size of the Child Abuse Problem*, revised, February 1985].

• The increases range from 1 percent to 190 percent among states with projected boosts in child abuse reports from 1983 to 1984. (NCPCA)

• Reports of sexual abuse especially are skyrocketing. For 19 states with figures for 1983 and projected increases for 1984, the number of reported sexual abuse cases increased by 35 percent. (NCPCA)

➢ **Twenty-four of every 1,000 children are the subjects of reported maltreatment** (AAPC).

➢ **Perhaps as many as 75 children of every 1,000 are abused or neglected,** as substantiated cases represent no more than a third of total cases known to professionals. (AAPC)

➤ **The average age of maltreated children is 7.1 years old. A full 24 percent of abused or neglected children are over 12 years old.** (AAPC)

Some 40 percent of sexual abuse cases involve children over 12 years old. Some 35 percent involved those aged 5 to 11. These projections are based on roughly 72,000 reports from areas with 46 percent of the nation's children. (AAPC)

➤ **The overwhelming number of cases reported to child protective services authorities involve a child's primary caretaker.** Some 83 percent of abusers in 1983 were principal caregivers, of which 95 percent were the child's parents. Another 5.2 percent were other relatives. The rest were just "others," usually friends or neighbors of a family. Women accounted for 60 percent of the abusers. (AAPC)

➤ **School personnel report child abuse more than do any other professionals.** For the roughly 319,000 cases in 1983 with identified sources of reports, 48 percent came from professionals and 52 percent from non-professionals, such as friends, relatives, the victims themselves or church personnel. The breakdown for the professionals is as follows:

- 12.6 percent of cases are reported by school personnel;
- 11.2 percent by medical personnel;
- 11.3 percent by law enforcement officers;
- 11.1 percent by social service workers; and
- 1.9 percent by day care providers. (AAPC)

➤ **The overwhelming majority of reported cases of child maltreatment involve neglect.** Of roughly 400,000 cases in 1983 in which details were available:

- 3.2 percent involved major physical injury;
- 18.5 percent involved minor physical injury;
- 5.2 percent involved unspecified physical injury;
- 8.5 percent involved sexual maltreatment;
- 58.4 percent involved deprivation of necessities, such as food, clothing or shelter;
- 10.1 percent involved emotional maltreatment; and
- 8.3 percent involved other forms of maltreatment.

(Figures add up to more than 100 percent because a given child can be subjected to more than one kind of abuse.) (AAPC)

➤ **One in four cases required court action to protect the children involved.** Immediate crisis intervention services were used in 15 percent of cases. Long-term support services, such as foster care, day care and mental health services, were used in 51 percent of the cases. Some 72 percent of the cases involved counseling by case workers. (AAPC)

THE HORROR STORIES

Child abuse is not a problem only of children. The National Association of Social Workers has compiled a list of some of the reverberations in families and in children's later lives. Schools touch all of those children.

■ An 80-year-old woman says sexual abuse she suffered at age 10 has caused her mental anguish and grief every day of her life.

■ A 55-year-old woman, contemplating a second marriage, says the memory of sexual abuse she suffered as a child ruined her first marriage, and she is afraid it would ruin a second.

■ A 27-year-old woman says not only does she need help in dealing with the effect past sexual abuse is having on her marriage, but also for her anxiety over her 13-year-old sister who also may be a victim.

■ A 52-year-old woman wants to know how to handle suspected sexual abuse and continued physical abuse of her 14-year-old nephew by her brother-in-law, especially since authorities investigated and then dropped the case.

■ A 34-year-old woman says she was abused by her cousin and uncle and that this has caused a poor relationship with her husband and fears that she will victimize her own children.

■ The 12-year-old boy says he has been fondled by his father, but that his mother refuses to believe him.

■ The mother of two young children needs advice on what to do about a couple who babysat for her and had exposed her children to pornography, which upset them.

■ The wife of a Marine who was recently prosecuted for incest says she desperately needs counseling and support.

■ A husband says he needs to find out how to handle his wife's problems stemming from her past sexual abuse.

■ A teenaged boy says a younger male friend has been abused by an older woman.

■ A woman who had been sexually abused by her father and who subsequently had his baby seeks counseling.

■ An elderly woman says her entire family has been involved in a widespread pattern of incestuous behavior.

■ A middle-aged woman says her husband was living "as man and wife" with her oldest daughter, a situation she was at a loss to explain to her four-year-old daughter.

- A mother says that as a former victim of incest herself, she is afraid she is overly protective of her daughter.

- A woman who had been sexually abused by her father and her four brothers asks for counseling to deal with her lack of trust toward men.

- The mother of a five-year-old daughter wants to know how much fondling was normal for a father to do with his child.

- A woman says she is considering suicide after becoming pregnant by her own son.

- A mother seeks counseling to deal with the hate and anger she feels because her husband was molesting her two older daughters.

Source: ***Child Abuse in America,*** *National Association of Social Workers, April 1984.*

The Federal Government's Word . . .
WHY EDUCATORS SHOULD BE INVOLVED

There are many reasons why educators become involved in child abuse and neglect treatment and prevention. Among them are the fact that educators work with and for children; that law and policy command educator involvement, and professional responsibility demands it; and that educators have a deep sense of personal commitment to the children in their care.

SCHOOL AND COMMUNITY ISSUES

The most practical reason for educators to become involved in the identification, treatment and prevention of child abuse and neglect is that child abuse and neglect are part of the everyday reality of working with and for children. Abused and neglected children may be found in almost every school in the country; educators are in a unique position to help those children, their families, child protective services, and the community in overcoming the effects of child abuse and neglect.

Abuse and Neglect of School Age Children

The fact that abused and neglected children may be found in any classroom in any school in every community across the nation is a compelling reason for educators to become involved in child abuse and neglect treatment and prevention. For many years it was thought that child abuse and neglect was a problem primarily of the very young child — the child under the age of three. Recent research, the results of longitudinal studies, and better data-gathering, however, now indicate that more than half of the abused and neglected children in America (probably more than 500,000 nationwide) are of school age. In some instances, a child may have been abused or neglected prior to reaching

school age, but these situations may not come to anyone's attention until the child enters school. For that reason, if for no other, schools and educators must take an active role in child abuse and neglect treatment and prevention.

Child Abuse and Neglect as a Responsibility of Schools

Schools are the only places in which children are seen daily over periods of time by professionals trained to observe their appearance and behavior. Not only does the school setting offer a continuum of time for observation, it offers the unique opportunity to compare and contrast behaviors which are unusual with those which are not unusual.

Educators are often aware that something is not right with a child long before severe physical injury is present. Properly prepared educators can offer a keen case-finding and management tool in the very place where children are to be found most often.

Sometimes educators are overwhelmed at the thought of the schools taking on yet another responsibility, and one which at first glance seems so far removed from learning. But more and more the school is coming to be viewed not just as a place for educating youth, but as a resource, a means of meeting many other needs of children, and that trend is likely to continue.

The Impact of Child Abuse and Neglect on Learning

Child abuse and neglect is clearly related to learning. Research has indicated that abused and neglected children often demonstrate significant learning problems and below grade-level performance in key academic areas. If schools are truly to teach, they cannot ignore the reasons why children cannot learn. Dyslexic children, or children who are mentally impaired or physically handicapped are given special attention by the schools in an effort to enhance their learning. Indeed, federal law requires that schools provide education for these children. The abused or neglected child is entitled to no less.

Child Abuse and Neglect as a Community Problem

There is a community issue which directly affects the schools. Child abuse and neglect is a community problem; its solution requires community action. As a focal point in the community, the school must be prepared to do its part. The problem of child abuse and neglect will not be solved without the involvement of the educator and the school. Educators must indicate their willingness to help, and the community must make them welcome. Otherwise a valuable tool will be lost, and the school, the very agency which offers the greatest hope for the prevention of child abuse and neglect, will remain outside the mainstream of community action to reduce child abuse and neglect.

LEGAL ISSUES

The force of law supports the involvement of educators in child abuse and neglect detection. In fact, educators will find that many state laws provide penalties for not reporting suspected abuse or neglect—in a sense a penalty for not being involved. Additionally, many local school policies require the involvement of educators in child abuse and neglect.

State Laws on Reporting Child Abuse and Neglect

Most states require (and no state forbids) the reporting of suspected child abuse and neglect by educators. The range of educators required to report is broad. It includes principals, teachers, counselors, school nurses, and staff of residential institutions, day care centers and summer camps. In those states which mandate reporting of suspected child abuse and neglect by "any person," school support services personnel, such as school secretaries, bus drivers, health aides and custodial staff are also included.

Non-reporting Penalties and Reporting Immunity From Liability

Many states provide penalties for those mandated to report suspected child abuse and neglect but who fail to do so. These penalties may include fines of up to $1,000 or prison sentences of up to one year, or both. On the other hand, every state provides immunity from civil liability and/or criminal penalty for those who do report suspected child abuse and neglect, provided the report has been made in good faith.

In other words, the law is relatively simple. In general, it requires the involvement of educators in child abuse and neglect problems. It provides protection to those educators who become involved, but penalizes those who fail in their obligation.

Local Policy

Local policy may also support the involvement of educators in the identification and treatment of child abuse and neglect. There is a growing trend across the nation for school systems and Boards of Education to enact child abuse and neglect policies and regulations. These policies usually support state law by requiring educators to report suspected child abuse and neglect and may provide administrative penalties for non-compliance. Many go further by encouraging educators to become involved in the prevention and treatment of child abuse and neglect. Such policies may: provide for periodic staff development, or for representation on a community child abuse and neglect case consultation team;[1] direct that staff support Child Protective Services (CPS) by participating in CPS's initial investigation; or offer direct service to involved families. Thus, in many communities administrative regulations also require the involvement of educators in the child abuse and neglect problem. . . .

ETHICAL ISSUES

At the heart of the question of the involvement of educators in the child abuse and neglect problem may well be the ethical basis of the profession itself. Some of the strongest reasons for involvement come from the professional responsibilities, basic principles of justice and democratic ideals, and the personal commitment of educators to the well-being of the children and families they serve.

Professional Responsibility

Educators have a keen sense of professional responsibility to the children in their care. They are concerned about these children, about their health, their safety, their happiness. Educators are aware that they are models and examples for the children they teach, and that they are the only readily available source of support, concern, and caring for many children. Educators want to do what is best for the children in their care because their professional standards require it.

Justice and Democratic Ideals

In a very real sense, educators are symbols of the American principle of "justice for all." They teach responsibility and respect for the democratic ideals of equal protection under the law and duty to uphold the law. When it comes to abused and neglected children, educators are obligated to practice what they teach. Ethics require their involvement in child abuse and neglect prevention and treatment.

Personal Commitment

For many educators, their professional responsibility and respect for the law is supported by a deep personal commitment to the welfare of children. The value of this personal commitment must not be underestimated, for without it, child abuse and neglect prevention and treatment efforts can be no more than superficial academic exercises. It is this sense of personal responsibility to and for children that is perhaps the strongest reason for educators to become involved in the struggle against child abuse and neglect.

[1]Case consultation teams may be designated by a number of different names including multidisciplinary teams or child protection teams.

Source: ***The Educator's Role in the Prevention and Treatment of Child Abuse and Neglect,*** *U.S. Department of Health and Human Services, September 1984.*

CHAPTER 1

KEEPING ABUSERS OUT OF THE SCHOOLS: A LOOK AT SCREENING LAWS

Child abuse prevention is without a doubt an issue of the moment in state legislatures. The fires of legislative action are fanned almost daily by fresh reports of abuse or testimony from children in sex abuse cases. Prevention and treatment bills are winning favor nationwide, if only because opposition can be a political kiss of death.

In 1984 as well, children's issues, especially child abuse prevention and treatment, won the limelight in state legislatures. More than 600 new laws on children and youth were written last year, according to the National Conference of State Legislators.

At the federal level, the 98th Congress in 1984 passed an extension of the primary and program for curbing child abuse, the 1974 Child Abuse Prevention and Treatment Act. And at the last minute, the lawmakers also enacted a measure that gives extra money to states that pass laws requiring strict screening of people who work with children.

At the state level, there are bills to allow videotaping of child witnesses in abuse trials, to stiffen penalties for abusers, to add more money to child protective services budgets, to establish clearinghouses on missing children and to create children's trust funds that use marriage license and other fees to fund child abuse prevention efforts.

The list of laws enacted on those same topics all over the country last year goes on and on.

For schools, the proposals include mandating that time be set aside for instruction on how children can avoid abuse, funding new curriculum projects on abuse, setting stiffer penalties for educators and others who do not report suspected abuse and helping police fingerprint children so they may be easier to identify if kidnapped.

Screening A Continuing Duty

Perhaps one of the most dramatic ideas, however, is background screening and criminal record checks of school personnel. Such screening is not a one-shot operation but a continuing responsibility for a school district as it hires new employees.

According to the American Bar Association (ABA), seven states required that criminal background checks be done on at least some school employees as of the beginning of 1985. The employees covered ranged from school bus drivers in Minnesota to all certifed school employees in California, the ABA said.

The impetus for enactment of such legislation is even stronger now, with the recently enacted federal screening law. The law, P.L. 98-473, gives

states $25 million in child abuse prevention and treatment training funds on a formula basis for parents and child care workers and licensers.

After Sept. 30, 1985, states without laws to allow criminal record checks of those who work with children will lose an amount equal to half their training money in 1986 or 1987. The cut will come from a state's overall federal Social Services Block Grant, known as Title XX, which supports a variety of programs that are always tight for money, including child care, adoption and foster care, child and adult protective services, family planning and employment education and training.

There is further encouragement for state screening laws from the executive branch. The Attorney General's Task Force on Family Violence, a Justice Department advisory group, in September 1984 endorsed background checks for those who work with children. The nine-member panel specifically advocated criminal checks of those working with children in federally funded facilities.

"One of the common strategies of pedophiles and child molesters is to try to gain employment with organizations whose work involves the care, treatment, transportation, supervision or entertainment of children," said the report. "It is important that employers conduct background checks of prospective employees who will have regular contact with children to provide the greatest safety to the child."

The Health and Human Services Department (HHS), in a January 1985 child care standards report mandated by Congress, also supported background checks in day care. And in rules proposed for the Head Start preschool program in April 1985, HHS said it wants personal and employment references and state and national criminal record checks of the 75,000 Head Start personnel nationwide, where state law allows such checks.

"The Administration for Children, Youth and Families proposes to emphasize the importance of careful screening of employees in Head Start programs by requiring that Head Start programs have formal personnel policies and procedures in place that will provide safeguards against the possibility of abuse and neglect, including sexual abuse, occurring in the Head Start program," said the government's notice in the April 3, 1985, *Federal Register*.

The proposed changes in personnel practices are "essential safeguards" that nonetheless "must be complemented by continued parental involvement and vigilance."

HHS in May 1985 agreed to set aside $2 million in discretionary funds to help states implement screening laws and for other child abuse prevention activities in 1985.

Where Schools Come In

Schools are curiously not mentioned at the federal level. It is in the

states where schools are being considered "child care facilities" for purposes of screening laws.

"The inclusion of school personnel in screening processes is one of the major policy questions to be addressed by the states," says Howard Davidson, director of the ABA's National Legal Resource Center for Child Advocacy and Protection. "The inclusion of educational system staff and contracted people would magnify considerably the costs and bureaucratic problems associated with criminal record screening," Davidson says in a paper to be published June 1985 in the *Dickinson Law Review*.

The federal law simply says state laws must cover workers in "child care facilities (including any facility or program having primary custody of children for 20 hours or more per week) and juvenile detention, correction or treatment facilities." In writing regulations for the law, HHS drew back from clarifying the situation.

For obvious reasons, child care advocates have been the most involved in the issue both at the national and state levels. Most state screening efforts — at least at the start — are principally aimed at child care workers. National education groups have not been particularly attentive to the matter.

One attorney who has been helping states write day care legislation has a damning analysis of the federal law. With "every word from this law, there's a new problem," said Abby Cohen, managing attorney of the San Francisco-based Child Care Law Center.

In March 1985, she told a session of the Children's Defense Fund's "strategy conference" in Washington, D.C., about the pitfalls she sees:

- In California, which has barred those with certain criminal records from working in child care since January 1983, and in New York City, which in fall 1984 began doing criminal record checks of child care workers, studies show that only 1 percent of those screened have records of crimes that would make them potentially dangerous around children. And in probably the most notorious institutional child abuse case so far, at the McMartin Preschool in Manhattan Beach, Calif., none of alleged abusers had a criminal record.

- HHS, which administers the law, has been "singularly unhelpful" on guidance for states. Thus, states are on their own on very tricky issues, such as liability and confidentiality.

- States can get into trouble by making their laws either too narrow or too broad. Those who work where children are cared for for more than 20 hours a week must be covered, but does that include schoolteachers, among others?

- The state laws must provide for a fingerprint check through the files kept by the Federal Bureau of Investigation. Any number of problems arise here, Cohen says. Who pays the $12 per person fee from the FBI?

How many other laws must be changed to allow the prints to go to the FBI? Does the state law meet the FBI's standards, and thus the standards to get all the federal money?

■ Once the FBI sends a person's criminal records back to a state, who gets to see them and make a hiring decision? Cohen strongly advises that states handle that themselves, rather than pass on the responsibility — and the liability — to child care facilities. In day care, at least, the "liability exposure basically could mean destruction of most child care programs," she said. And besides, local program administrators shouldn't be expected to have the law school knowledge they'd need to make judgments on what crimes pose a potential threat to children.

■ It's "not a fast process" to make criminal record checks. The estimates of turnaround time range from two months to four months. And, say the person being checked is a substitute, why then wouldn't the person be gone before the results of the check came through?

■ In addition to requiring criminal record checks, state laws would have to provide for background and employment history screening. Many interpret that to mean a check through state child abuse registries, which usually log charges later investigated by child protective services workers. But such registries weren't designed for that function, Cohen said. And states differ widely on how long listings are kept and how a person gets listed.

Lobby Carefully

"States in haste and in hysteria are writing some very bad legislation," says Helen Blank, director of child care for the Children's Defense Fund. But it's not easy to lobby against any kind of anti-child abuse legislation.

If CDF and others tried to "create a national movement against this, it could blow up in our faces," Blank said.

Advocates must tread carefully to avoid the appearance of favoring child abuse simply because they don't feel the screening is the best method to stop abuse, Cohen said. Advocates have got to say, "Yes, there is an alarming prevalence of child abuse," but "people have rights," she said.

The "political will is to go ahead with the law," Cohen said. Child care workers and educators just have to try to make their state laws "less terrible" than they could be.

With all the problems the federal law raises, one member of the audience asked why Congress passed it in the first place. The measure was the "lesser of two evils," with the other being the creation of a national child abuse registry, Cohen said.

As Davidson points out in his paper, "The new screening bill . . . became law only 23 days after the legislation was initially introduced and without any public hearing!" The measure, which was attached as a rider to an appropriations resolution, started out narrow and grew like Topsy.

The House, on the initiative of Rep. George Miller, D-Calif., approved $50 million for child abuse prevention with the proviso that states only could get half their share unless they had procedures for background checks. The checks, which were to be put in place "as soon as possible," were to be made at the state level of those working in licensed child care facilities, according to Davidson.

A week later, the Senate approved an amendment by Sen. Dennis DeConcini, D-Ariz., to shave the funding to $25 million but broaden the mission and specify the deadline. "The time had come for people working with children to be added to the list," Davidson said.

Sen. Paula Hawkins, R-Fla., among many others, spoke in favor of the amendment's two-pronged effect. Providing more training money and screening child care workers are "desperately needed to protect our children from abuse in child care centers and homes," she said.

The broader approach prevailed, and the bill was signed into law Oct. 12.

Second Thoughts

Now, with reports coming back in from the states on the high costs of the criminal checks, DeConcini is having some second thoughts. Everyone has been happy to get the extra training money, which is one of the keys to high-quality child care, according to DeConcini aide Jane Green. And no one has objected to employment background checks. "The problem is with fingerprinting," she said. In many states, the "cost has exceeded the amount of money in the amendment."

This year, DeConcini is pushing for a $300 million boost for child care, half of which would go for training. The money would not be tied to screening or other requirements.

But he doesn't plan to try to repeal the fingerprinting requirement. "It's not really fair to use it as an incentive and say, 'Never mind, we were just kidding,'" Green said. "Our point of view is that it doesn't hurt to do it."

"We thought it was a good idea," because it engendered feedback and good discussions with state governments, she said. The law, however, "does not seem to be the thing that catches a lot" of potential abusers.

Even the government has its reservations, and strong ones at that. A report that has not been widely circulated from the HHS Office of Inspector General puts the cost at $37.5 million over three years if all states were to comply with the law and screen licensed day care workers, not including school personnel. "At least half of this would be wasted on extremely low-yield fingerprint screening," the report said.

Furthermore, FBI records are incomplete, and licensing and employment screens "typically reveal 5-8% of the applicants with any criminal record whatsoever," said the January 1985 report, *Preventing Sexual Abuse in Day Care Programs*. "For many reasons it is quite likely that only a

minuscule number of sex abusers with criminal records would be detected by screening all day care employees."

Last, "There are substantial timing, technical and due process problems with implementing the screening provisions of P.L. 98-473."

At the state level, the assessments of screening and screening laws are mixed. Some experts believe well-implemented laws can help the situation but not totally solve a state's child abuse problems. Laws that are not well-written or smoothly implemented, however, can be a nightmare all the way around.

Following are reprints of the federal law and regulations and then a look at the longstanding law in California and the newly implemented one in Florida. Next examined is Pennsylvania's, which educators would like to see overhauled before it goes into effect. The report then looks at the bill Maryland defeated this year. Last is a look at Utah, where school districts may do criminal checks if they wish, but none appears to be doing so.

THE FEDERAL CHILD ABUSE SCREENING LAW

SEC. 401. (a)(1) Notwithstanding any provision of title XX of the Social Security Act, the amount applicable under section 2003(c)(3) of such Act shall be $2,725,000,000 for fiscal year 1985. Of such amount, $25,000,000 shall be allotted and used in accordance with this section.

(2) In addition to any other amounts appropriated under this resolution or any Act, there are hereby appropriated $25,000,000 for fiscal year 1985, for carrying out title XX of the Social Security Act, to be used in accordance with the provisions of this section.

(3) Amounts appropriated under this section shall remain available until September 30, 1985, without regard to section 102 of this resolution.

(4) Except as otherwise provided in this section, each State's allotment of the additional amounts authorized and appropriated under this section shall be the same proportion of $25,000,000 as such State's proportional allotment of other title XX funds for fiscal year 1985, as determined under section 2003 of the Social Security Act.

(b) The additional $25,000,000 made available to the States for fiscal year 1985 pursuant to subsection (a) shall —

(1) be used only for the purpose of providing training and retraining (including training in the prevention of child abuse in child care settings) to providers of licensed or registered child care services, operators and staffs (including those receiving inservice training) of facilities where licensed or registered child care services are provided, State licensing and enforcement officials, and parents;

(2) be expended only to supplement the level of any funds that would, in the absence of the additional funds appropriated under this section, be available from other sources (including any amounts available under title XX of the Social Security Act without regard to this section) for the purpose specified in paragraph (1), and shall in no case supplant such funds from other sources or reduce the level thereof; and

(3) be separately accounted for in the reports and audits provided for in section 2006 of the Social Security Act.

(c)(1) In order to provide guidance and assistance to the States in utilizing funds allocated pursuant to title XX of the Social Security Act, not later than 3 months after the date of enactment of this section, the Secretary shall draft and distribute to the States for their consideration, a Model Child Care Standards Act containing —

(A) minimum licensing or registration standards for day care centers, group homes, and family day care homes regarding matters including —

(i) the training, development, supervision, and evaluation of staff;

(ii) staff qualification requirements, by job classification;

(iii) staff-child ratios;

(iv) probation periods for new staff;

(v) employment history checks for staff; and

(vi) parent visitation; and

(2)(A) Any State receiving an allotment under such title from the funds made available as a result of subsection (a) shall have in effect, not later than September 30, 1985 —

(i) procedures, established by State law or regulation, to provide for employment history and background checks; and

(ii) provisions of State law, enacted in accordance with the provisions of Public Law 92-544 (86 Stat. 115) requiring nationwide criminal record checks for all operators, staff or employees, or prospective operators, staff or employees of child care facilities (including any facility or program having primary custody of children for 20 hours or more per week), juvenile detention, correction or treatment facilities, with the objective of protecting the children involved and promoting such children's safety and welfare while receiving service through such facilities or programs.

(B) In the case of any State not meeting the requirements of subparagraph (A) by September 30, 1985, such State's allotment for fiscal year 1986 or 1987 shall be reduced in the aggregate by an amount equal to one-half of the amount by which such State's allotment under such title was increased for fiscal year 1985 as a result of subsection (a).

(d) The determination and promulgation required by section 2003(b) of the Social Security Act with respect to the fiscal year 1985 (to take into account the preceding provisions of this section) shall be made as soon as possible after the date of the enactment of this Act.

SEC. 402(a) The Congress finds that—

(1) disturbing increases have occurred in recent years in the numbers of younger Americans who are abused;

(2) many children who run away from home, who fall prey to pornography and prostitution, who suffer from a dependence on alcohol and drugs, and who become juvenile offenders, have been victims of child abuse;

(3) research has shown that abuse tends to repeat itself, and many times parents who abuse their children were once victims themselves;

(4) given the increased demand for treatment and crisis intervention in child abuse and neglect cases, Federal funds distributed to States are most often used for treatment and little is left for prevention efforts;

(5) since 1980 some States have begun to recognize the critical need for prevention efforts, and trust funds (generated by surcharges on marriage licenses, birth certificates or divorce actions, or by special checkoffs on income tax returns) are being established to allow such States to pay for child abuse and neglect prevention activities despite depressed State economies and budget cutbacks;

(6) in recognition of the increased cases of child abuse and neglect, other states have established significant funds for child abuse and neglect prevention activities through direct appropriations; and

(7) the Nation cannot afford to ignore the importance of preventing child abuse.

(b) It is the purpose of sections 402 to 409, by providing for Federal challenge grants, to encourage States to establish and maintain trust funds or other funding mechanisms, including appropriations to support child abuse and neglect prevention activities.

Definitions

SEC. 403. As used in sections 402 to 409 —

(1) the term "Secretary" means the Secretary of Health and Human Services; and

(2) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

Grants Authorized

SEC. 404. (a) The Secretary is authorized, in accordance with the provisions of sections 402 to 409, to make grants to eligible States.

(b) Payments under sections 402 to 409 may be made in any fiscal year following the fiscal year in which any State has collected funds for child abuse and neglect prevention activities through a trust fund or other funding mechanism.

(c) There is authorized to be appropriated such sums as are necessary to carry out the provisions of sections 402 to 409 for the fiscal year 1985 and for each of the four succeeding fiscal years.

(P.L. 98-473, Title IV)

THE HEALTH AND HUMAN SERVICES DEPARTMENT'S INTERPRETATION OF THE FEDERAL SCREENING LAW

Office of Human Development Services

Revised Fiscal Year 1985 Federal Allotments to States for Social Services Expenditures Pursuant to Title XX; Block Grants to States for Social Services

Agency: Office of Policy and Legislation, Office of Human Development Services (HDS), Department of Health and Human Services.

Action: Notification of Revised Federal Allotments to States under title XX, the Social Services Block Grant program, for fiscal year 1985, including increases pursuant to Pub. L. 98-473 regarding the prevention of child abuse and neglect.

Summary: Public Law 98-473, enacted October 12, 1984, among other things, increased the fiscal year 1985 authorization and appropriation for title XX, to $2.725 billion, an increase of $25 million. This notice sets out the conditions for use of these funds and lists each State's proportional allotment.

Effective Date: The allotments are effective October 1, 1984.

For additional information contact:

(1) David A. Rust, (202)245-7027 or Janet Hartnett, (202)245-2892.
(2) The Department of Justice for questions regarding: the development of State statutes and/or regulations in accordance with Pub. L. 92-544 and 28 CFR Part 20 Subpart C and information on nationwide criminal record checks; Mr. William H. Garvie, Identification Division, Federal Bureau of Investigation, Washington, D.C. 20537, (202)324-5456.

Supplementary Information: Title IV, Section 401, of Pub. L. 98-473 increased the authorized and appropriated levels of the Social Services Block Grant Program (title XX of the Social Security Act (Act)) by $25 million, from $2.7 billion to $2.725 billion, in FY 1985.

Each State's allotment has been computed at the same proportion of the $25 million as the State's proportional share of other title XX funds for fiscal year 1985, as determined under section 2003 of the Act.

Expenditures of these funds follow the Department's block grant program rules, 45 CFR 96.14, which require that any payments to a State from its allotment for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

Section 401(b) of Pub. L. 98-473 contains the following requirements regarding the use of these funds:

(1) These funds must be used only for the purpose of providing training and retraining (including training in the prevention of child abuse in child care settings) to:

- Providers of licensed or registered child care services;

- Operators and staffs (including those receiving in-service training) of facilities where licensed or registered child care services are provided;

- State licensing and enforcement officials; and

- Parents.

(2) Section 401(b)(2) of Pub. L. 98-473 provides that these funds must be expended only to supplement the level of any funds that would, in the absence of the additional funds appropriated under section 401(a), be available from other sources (including any amounts available under Title XX of the Act without regard to that section) for the purposes specified in (1) above, and shall in no case supplant such funds from other sources or reduce the level thereof; and

(3) These funds must be separately accounted for in the reports and audits provided for in section 2006 of the Act.

Section 401(c)(2)(A) of Pub. L. 98-473 provides that any State receiving an additional allotment shall have in effect not later than September 30, 1985 for all operators, staff or employees or prospective operators, staff or employees of child care facilities (including any facility or program having primary custody of children for 20 hours or more per week), and juvenile detention correction or treatment facilities the following:

(1) Procedures established by State law or regulations to provide for employment history and background checks; and

(2) Provisions of State law enacted in accordance with the provisions of Pub. L. 92-544 (86. Stat. 115) requiring nationwide criminal record checks. (See also 28 CFR 20.33)

If any State does not meet these requirements by September 30, 1985, that State's allotment for fiscal year 1986 or 1987 shall be reduced by an amount equal to one half of the amount by which such State's allotment under the statute was increased for fiscal year 1985. Therefore, in order to enable HDS to determine whether a State is in compliance with these provisions, each state (as well as the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Marianas) must submit to the appropriate Regional Administrator, HDS, on or before July 31, 1986 a copy of the State law(s) and regulation(s) documenting compliance as of September 30, 1985.

We encourage States to coordinate the expenditure of these additional funds with the State agency receiving State grants under the Child Abuse Prevention and Treatment Act.

The Department has received many inquiries concerning definitions of terms in and requests for interpretation of the requirements in Pub. L. 98-173. In line with the discretion provided to States under the SSBG and the Department's block grant regulations (45 CFR 96.50(e)), however, we intend that States, not the Department, will define terms (e.g., child care settings, juvenile detention facilities) and activities (e.g., training) in the context of their own services programs and needs. In addition, the Department will accept any State law regarding nationwide criminal record checks that meets the requirements of Pub. L. 92-544. ...

Source: ***Federal Register****, Jan. 15, 1985, Vol. 50, No. 10.*

CALIFORNIA: The granddaddy of screening laws

California has constructed the nation's most elaborate screening system to make sure its educators are fit for their jobs.

Under a system that's evolved over the last 15 years, educators are first checked for criminal activity when they seek to enter the profession. And during the rest of their careers, they are reported to school district authorities and the state whenever they run afoul of the law.

The checks "do more than screen for child abusers," according to Walter Taylor, professional standards officer with the California Teacher Licensing Commission. What the checks and monitoring have become is "an elaborate and fairly effective system."

"Each time we find a loophole, we try to close it," he said. A wave of reform in 1980, for instance, greatly expanded the kinds of information the state can gather about a certified educator, according to Taylor.

When people apply for credentials in California as teachers, administrators, counselors or the like, they must pay for fingerprint checks by the state Justice Department and by the Federal Bureau of Investigation. The fingerprints remain on file at Justice, said Taylor.

If, say, a teacher is arrested, then local police notify the state Teacher Licensing Commission. If that offense is sex-related, then the police must notify the teacher's school district and the state.

If the teacher is then booked, the commission automatically suspends his or her teaching credential and the school district must suspend the teacher without pay. The teacher — and the credential — remains suspended until the charge is disposed of.

If a person is acquitted of the crime and the commission decides the teacher is fit for the job, then the teacher may be rehired and get back pay.

Some crimes result in a mandatory loss of a teaching credential. But for those that don't, a seven-person Committee on Credentials makes an initial finding about the person's fitness to continue working as a teacher. The committee includes teachers, administrators and members of the general public. The teacher may challenge the finding of that group by appealing to an administrative law judge.

After that point, the 17-member Teacher Licensing Commission, which is appointed by the governor, makes the final decision on whether the person may remain certified.

Right now, the commission is dealing with "some of the fallout" of interest in child abuse reporting laws, Taylor said. It's not only a criminal offense not to report suspected child abuse, but it's unprofessional as

well, he said. The commission is having to decide if some teachers and administrators who failed to report should be allowed to keep their certification.

"We keep getting feedback around the state that child abuse is not to be ignored ... and must be dealt with promptly."

Some 30,000 people each year seek California education credentials. As of July 1, 1984, there were 4,329 cases on certification in the commission's pipeline. For the year before that there were 2,015 new complaints received by the commission, of which 2,195 were cleared. Some 300 were prosecuted, and 2,194 were left open at the end of the year.

Of the 300 educators that were prosecuted, the commission denied credentials to 30, suspended the credentials of 62, revoked the credentials of 128, admonished 86 and settled or otherwise handled 44 others. In all, the commission administered 350 sanctions in the 300 cases in the 1983-84 school year, Taylor said.

Since 1979-80, "the number of disciplinary actions increased tenfold," he said. "People have become concerned with the moral quality of teachers." California's practicing teachers number 220,000.

The teachers pay a $40 certification fee as well as $12 for the federal check and $17.50 for the state check.

The preliminary figure from the state legislature for the fiscal 1986 budget for professional standards is $992,000, according to Taylor. That number includes pass-through money to the FBI and state Justice Department for fingerprinting as well as funds for administrative hearing judges and state Justice Department legal fees.

The costs of the screening operation are borne entirely by the fees, but there is some discussion in the legislature of having the activities supported by the state general fund, Taylor said. The argument for doing so is that the screening ultimately benefits the general public.

CALIFORNIA'S LAW

(A Summary With References To The California Education Code)

Professional Standards: Moral Character and Identification

Persons who have been convicted of certain crimes are not eligible to receive or to hold credentials,[1] nor are they eligible to receive or to hold credentials if they have been determined to be sexual psychopaths,[2] unless they have been granted relief under Penal Code 1203.4 or Penal Code 4852.01; or if the MDSO[3] determination has been set aside by a court.[4]

In addition, the Commission has discretion to deny applications for credentials to any person who:

(a) lacks the qualifications which are prescribed by law or regulations adopted by the Commission pursuant thereto;

(b) is physically or mentally so disabled as to be rendered unfit to perform the duties authorized by the credential for which he or she applies; provided, however, that the mere fact that an applicant has sought or received psychiatric treatment shall not be considered as preliminary evidence of mental disability and shall not provoke special scrutiny of such applicant's qualifications [illegible] credential;

(c) is addicted to the use of intoxicating beverages to excess;

(d) is addicted to the use of narcotics or habit-forming drugs;

(e) has committed any act involving moral turpitude;

(f) has had a certification document revoked;

(g) has intentionally practiced or attempted to practice any material deception of fraud in his or her application;

(h) fails or refuses to furnish reasonable evidence of identification or good moral character; or

(i) has been convicted of any offense defined in subdivision 1 of Section 314 of the Penal Code prior to September 7, 1955.

Positive identification of all applicants for credentials is made by the Department of Justice by examination and classification of fingerprints; and by comparison with fingerprints of persons who have been detained, arrested, charged, or convicted of reportable offenses. In each such case, the *Summary Criminal History Record* of the person so identified is provided to the Committee of Credentials, along with notice of all subsequent arrests and convictions.

The Committee of Credentials is established by law[5] and is required to investigate each act or omission by an applicant for, or a holder of, a

credential for which he or she may be privately admonished or for which the application or credential may be denied, suspended, or revoked.[6] The investigation includes collection of all arrest and investigation reports by police agencies, court dockets and disposition records; probation reports and other data from every agency of the State, school employers, or other agencies of government.[7] The confidentiality of this information is maintained by law,[8] and may be used for the sole purpose of ascertaining the moral character and true identity of applicants for credentials.

When sufficient information has been collected, the Committee of Credentials is required to determine whether the person meets the standards of competence and moral fitness required by law for the performance of the duties and services authorized by the credential applied for or held. This determination is made in a meeting or hearing required by law[9] in which the person has right of access to know and answer all allegations of acts or omissions for which his application may be denied or for which he may be subject to discipline. His/her current or last school employer is also notified of the hearing and of the allegations which have been made; and has the right to be present as a material witness in the proceedings.[10] The proceedings are otherwise executive and closed to the public.[11]

If the Committee on hearing the facts, determines that no violation of law has occurred; or that if it has, it is too inconsequential to warrant discipline, it may close the investigation and order that the investigation file be sealed or destroyed.[12]

If the Committee determines that there is probable cause for adverse action it initiates an administrative hearing by filing an accusation or statement of issues as provided in the Administrative Procedures Act.[13]

The decision of the Committee is sent to the person by registered mail within 30 days after the meeting or hearing along with a notice of appeal rights and other options available.[14] After an adverse decision, the person

(1) **may choose not to contest the action** of the Committee of Credentials, in which case the action will be adopted by the Commission after 30 days without further proceeding, pursuant to Education Code Section 44244.1;

(2) **may request reconsideration of Committee action** within 30 days after receipt of notice of its adverse action by stating in writing the facts and reasons why such reconsideration should be had. If reconsideration is granted, he/she may request a personal appearance before the Committee, pursuant to Section 80318.1 of Title 5;

(3) **may withdraw his/her application from further consideration**, if the adverse action of the Committee was to deny the application for issuance or renewal of a credential. This will end the administrative proceeding for denial; but does not preclude further proceedings if he/she appeals or files a new application;

(4) **may request voluntary revocation** of your credential in writing. Since the Commission is required to honor such a request by Education Code Section 44423, this will end the administrative proceeding against the person. The person may petition for reinstatement or reduction of penalty after one year, and the petition may be granted if the person shows appropriate rehabilitation and/or requalifications for this credential;

(5) **may propose a plan for your rehabilitation or requalification** which would permit the person to continue to hold the credential upon the condition that he/she undertakes and pursues appropriate medical, psychiatric, or other counseling, and/or other appropriate remedation courses. If the proposal is specific and reasonably guarantees rehabilitation and/or requalification, the Committee of Credentials has the authority to recommend to the Commission, a Consent Determination, pursuant to Section 80320 of Title 5;

(6) **may demand an administrative hearing** to challenge the decision of the Committee of Credentials. This will cause a trial to be held before an administrative law judge in which the person may be represented by counsel, confront witnesses against the person and present evidence and witnesses in answer or mitigation to the allegations, as provided in Education Code Section 44246 and Government Code Section 1500 et. seq.

Unless the person gives written notice within 30 days of his/her intention to exercise any of the above options, except (1), the action of the Committee of Credentials will be adopted by the Commission without further proceedings as provided by Education Code Section 44244.1. Such notice, if given, must be addressed to:

State of California
Commission for Teacher Preparation and Licensing
Attn: Committee of Credentials
1020 "O" Street-Room 222
Sacramento, CA 95814

The administrative hearing is a trial held before an administrative law judge at which the Attorney General, representing the Commission, presents evidence to show why the application should be denied, or why the credential should be revoked or suspended. The person has the right to present his evidence to call witnesses and to show why the action should not be taken. At the conclusion of the hearing, the administrative law judge submits his proposed decision to the Commission. If adopted, it becomes the decision of the Commission; if rejected, the person has an opportunity to appear before the full Commission to argue his/her position.[15]

Decision of the Commission or appealable to the Superior Court.[16]

Certificates of Clearance

Prior to admission to student teaching under any professional preparation program approved by the Commission, a candidate for a Credential

is required to obtain a **Certificate of Clearance** from the Commission. The time required for issuance of the Certificate of Clearance is six to eight weeks if no serious criminal record is discovered. If investigation is necessary, the time required may be several months.

The Certificate of Clearance results from the same identification and investigation process which accompanies application for a credential, but does not include evaluation of the academic or professional preparation record. The fee is one-half that for the credential, and is applied as a credit upon later application for the initial credential.

Applicants are advised to read the *Application for Credential Authorizing Public School Service* very carefully and to make full disclosure of all past misconduct which is relevant to the applicant's fitness to hold a credential. Documents showing rehabilitation, school evaluations, letters of recommendation, and similar materials are valuable where serious misconduct has occurred. Applicants or their faculty advisors may call the Commission (916) 445-0243 for oral advice or qualifications for the Certificate of Clearance.

Medical and Psychiatric Standards

The Commission does not require routine medical or psychiatric examination of applicants for credentials, but does require each applicant to disclose by statement under penalty of perjury whether he/she has any physical or mental handicap which would limit the person's ability to fulfill all duties authorized by the credential.[17] The purpose for the disclosure is not to exclude persons with disabilities but to identify them, since the statute prohibits any discrimination against handicapped persons who are able to carry out the duties authorized by a credential.[18] Where allegations of physical or mental unfitness are made and substantiated, the credential may be denied or suspended during the period of actual disability only, and must be granted or reinstated upon submission of proof of recovery.[19]

[1] See Education Code 44346, 44424

[2] Education Code 44346(1); 44426

[3] "Mentally Disordered Sex Offender" is the legal status for the sexual psychopath.

[4] Education Code 44346. "Penal Code 4852.01" is a *Certificate of Rehabilitation* issued by a court, and constitutes a recommendation for full pardon by the Governor. Penal Code 1203.4 involves termination of probation, setting aside a plea or verdict of guilty, and relief from criminal penalties, also provided by the court. Either entitles the person to a fitness hearing by the Committee of Credentials, but neither, per se, entitles the person to the credential.

[5] See Education Code 44240

[6] Education Code 44247.5

[7] Education Code 44341

[8] See Civil Code 1798 et seq, *Information Practices Act of 1977*, as amended

[9] Education Code 44244

[10] 5 CAC 80317, 80317.2

[11] Education Code 44245

[12] 5 CAC 80316.5

[13] Government Code Sections 11502 and 11504

[14] Education Code 44244

[15] Government Code 11517
[16] Civil Procedure Code 1094.5
[17] Education Code 44338; Item 9(c), *Application for Credential*
[18] Education Code 44337, 44338
[19] Education Code 44345, 5 CAC 80309

Source: California Commission on Teacher Credentialing

FLORIDA: The law's doing what it should

Florida's law requiring criminal record checks of candidates for teacher certification is doing what it's supposed to do.

Out of 5,000 people seeking certification, 250 have been found through fingerprint checks to have criminal records when they said they had no records, according to Don Griesheimer, the Florida Education Department's director of teacher certification.

The law works "very well as far as what it turns up," he said. Effective as of Oct. 1, 1984, the law was designed to be "proactive rather than reactive" so that state education officials could "nip things before they get started."

It is aimed at keeping "undesirables out of the classroom." The checks have turned up a rapist and a murderer, but "those are exceptions," he said.

Some 10 percent to 12 percent of the records uncovered show "serious infractions" that have already caused applicants to be denied certificates or may do so soon, according to Marlene Greenfield, director of professional practices services for the department. The state education commissioner has the final word on who is certified.

The numbers, she says, are "enormous." She hadn't anticipated that so many people would say "no to the relevant question on criminal activity" on the application form and then turn up with a record. "Maybe they thought their [finger] prints wouldn't be processed," she said.

Only about 20 percent to 25 percent had logical explanations for not mentioning their records, such as having thought their records would be expunged. "The rest are just trying to fake it through."

Some 60 percent of those seeking certification are from out of state, but the education department does not keep records on how many people certifed to teach elsewhere have been caught by the screening process.

The $18 criminal background checks are paid for by the candidates. Twelve dollars of that goes to the Federal Bureau of Investigation for the federal checks, $5 to Florida law enforcement officials for the state check and $1 to cover the education department's administrative costs.

During the discussion of the bill, state lawmakers considered screening all teachers, not just teacher candidates, but met with opposition from teacher lobbying groups. Some school districts on their own initiative do fingerprint current teachers.

The screening law is "not a panacea; it does not screen by itself," said Greenfield. Potential employers have got to do some very careful screening on their own. And besides, "so many times . . . the greater number of child molesters are not criminally prosecuted."

FLORIDA'S LAW

An act relating to education; amending s. 231.17, F.S., requiring fingerprinting for teacher certification; providing for fingerprinting of substitute teachers; amending s. 231.28, F.S., relating to the Education Practices Commission, to require superintendents to report persons convicted of certain offenses; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (d) and (e) of subsection (1) of section 231.17, Florida Statutes, are amended, and paragraph (f) is added to said subsection to read:

231.17 Certificates granted on application to those meeting prescribed requirements. –

(1) The Department of Education shall issue a certificate covering the appropriate subject or field to any person possessing the qualifications for such a certificate as prescribed herein and by rules of the state board, who pays the required fee, makes application in writing on the form prescribed by the department, submits satisfactory evidence that he possesses such qualifications, and meets the other requirements of law. Each applicant for certification shall:

(d) Be competent and capable of performing the duties, functions, and responsibilities of a teacher; and

(e) Be of good moral character; and

(f) File a complete set of fingerprints taken by an authorized law enforcement officer which shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing; the cost of such processing shall be borne by the applicant.

Section 2. Subsection (5) of section 231.28, Florida Statutes, is amended to read:

231.28 Education Practices Commission; authority to discipline. –

(5) The superintendent shall report to the department the name of any person who has been convicted of, or who has pled nolo contendere to, a misdemeanor, felony, or any other criminal charge, other than a minor traffic infraction, or any act which would be grounds for revocation or suspension under subsection (1). The superintendent shall **also** report to the department the name of any person who has been dismissed or severed from employment because of conduct involving any immoral, unnatural, or lascivious act.

Section 3. Section 231.47, Florida Statutes, is amended to read:

231.47 Substitute Teachers. –

Each school board shall adopt rules prescribing the compensation of, and the procedures for employment of, substitute teachers. Such procedures for employment shall include, but not be limited to, the filing of a complete set of fingerprints required in s. 231.17.

Section 4. This act shall take effect October 1, 1984.

Approved by the Governor May 24, 1984
Filed in Office Secretary of State, May 24, 1984
Chapter 84-44 (House Bill 969)

MARYLAND: Relieved for now but working on next year

Maryland educators are breathing a sigh of relief that they escaped the 1985 legislative session without a law to fingerprint teachers and fire them if they have a criminal record.

The call was close. The Senate had overwhelmingly endorsed a bill to run criminal background checks of teachers and child care workers, but a House panel killed it with similar force.

Nonetheless, the issue will raise itself again next year, according to Betty Pitt, lobbyist for the Maryland Federation of Teachers. Her group, among others, has pledged to work with the lawmakers on a better way to combat child abuse.

Education groups were "very much in favor of killing the bills as they were written," said Pitt. Maryland has "got to have a well-thought out bill" that has "protection at both ends of the spectrum," both for children and for those who would be screened.

John Moser, aide to one of the bill's sponsors, Sen. Gerald Winegrad, said the senator is likely to reintroduce the measure and work to make it more acceptable "as long as it's not watered down."

A screening law is necessary to complete the governor's overall package of child abuse prevention laws, he said. And "anybody who deals with children in a custodial capacity should not be averse to having their background checked."

Both Pitt and Maryland State Teachers Association President Janice Piccinini said screening teachers won't help much in the fight against child abuse. "Child abuse in the most part occurs in the home and in preschool day care centers. At the high school level, you have next to nothing," said Pitt. "Schools are not where the problem lies."

According to Piccinini, state statistics show that public school teachers are not often even accused of child abuse. Of 8,077 complaints of child abuse filed in Maryland in 1984, 328 charges were lodged against people outside the home. Of those, 158 were against those who took in foster children, 64 against family day care homes, 56 against day care centers and 50 against day care group homes. "They don't have any statistics against public schools," she said.

Piccinini said in testimony before the Senate Judicial Proceedings Committee in February 1985 that teachers were "statisically insignificant" as abusers but very significant as reporters of abuse.

Of course, the education groups all want to protect children, Pitt said. The Maryland Federation of Teachers, however, felt that teachers were unfairly singled out and that the bill would abridge teachers' confidentiality rights.

Piccinini criticized the bill's lack of due process as well. The bill's only

sanction against teachers found with records in such crimes as rape, murder and assault and battery was firing. In taking disciplinary action, school boards now may reprimand, suspend or fire teachers.

Making assault and battery always a fireable offense made the bill particularly onerous to teachers. Piccinini recounted the story of a gym teacher who lobbed a basketball at a student who refused to join the rest of the class. The ball struck the student on the leg, and the teacher eventually was convicted of assault and battery. "That teacher would be fired" if the bill had been passed, she said.

Existing methods of screening prospective employees — like checking out people's resumes — should be emphasized instead of fingerprinting, Pitt said. The state's also got to make sure criminal checks would not create a "bottleneck" in hiring.

"Maybe it [the bill] will be modified," said Moser. But the bottom line is, why not do the checks "if you don't have anything to hide?"

MARYLAND'S BILL

An ACT concerning

Child Abuse — Criminal Background Checks

FOR the purpose of protecting children from harm by requiring criminal background checks for certain individuals in certain child care facilities, schools, and certain camps; requiring disclosure of certain convictions or pending charges by certain persons; defining terms; providing that certain persons who have been convicted of or have pending charges for certain criminal offenses may not be employed at a facility; providing for certain criminal penalties; providing for the confidentiality of certain information in certain circumstances; providing that the license, registration, or eligibility of a facility may be suspended, revoked, or denied under certain circumstances; providing that the mandatory provisions of this Act do not apply to certain individuals; providing that an employer may require a criminal background check of certain persons; requiring certain persons to complete and sign a certain disclosure statement; requiring certain persons to disclose certain criminal convictions after a certain date; requiring the Department of Public Safety and Correctional Services to conduct the criminal background check; providing certain immunity from civil and criminal liability for certain persons and agencies for certain actions; requiring an applicant to submit fingerprints and a processing fee to the Department; requiring certain printed statements for certain inspection; requiring certain employers and agencies to maintain a file of certain printed statements for certain inspection; requiring the Department to provide certain information to certain individuals; providing an appeal process under certain circumstances; providing that a certain law relating to criminal history record information may not be construed in a certain manner; requiring the adoption of certain rules and regulations; providing for a delayed effective date for certain sections of this Act; and generally relating to criminal background checks of persons responsible for the care and supervision of children.

BY repealing and reenacting, with amendments,

Article 27 — Crimes and Punishments
Section 754
Annotated Code of Maryland
(1982 Replacement Volume and 1984 Supplement)

BY adding to

Article — Family Law
Section 5-560 through 5-570 to be under the new part "Part VI. Criminal Background Checks of Persons Responsible for the Care and Supervision of Children"
Annotated Code of Maryland
(1984 Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 — Crimes and Punishments

754.

(a) It is unlawful for any employer or prospective employer to require a person to inspect or challenge any criminal history record information relating to that person for the purpose of obtaining a copy of the person's record in order to qualify for employment.

(b) Any person violating the provisions of this section is guilty of a misdemeanor, and, upon conviction, is subject to a fine of not more than $5,000 or imprisonment for not more than six months, or both, for each violation.

(c) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A CRIMINAL BACKGROUND CHECK OF PERSONS RESPONSIBLE FOR THE CARE AND SUPERVISION OF CHILDREN UNDER TITLE 5, SUBTITLE 5, PART VI OF THE FAMILY LAW ARTICLE.

Article — Family Law

5-558. RESERVED.

5-559. RESERVED.

PART VI. CRIMINAL BACKGROUND CHECKS OF PERSONS RESPONSIBLE FOR THE CARE AND SUPERVISION OF CHILDREN

5-560.

IN THIS PART VI OF THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) "CONVICTION" MEANS A VERDICT OF GUILTY, A PLEA OF NOLO CONTENDERE, OR WHERE A COURT IN EXERCISING CRIMINAL JURISDICTION HAS STAYED THE ENTERING OF JUDGMENT AND PLACED A PERSON ON PROBATION;

(2) "AFFECTED FACILITY" MEANS ANY OF THE FOLLOWING:

(I) A GROUP DAY CARE CENTER REQUIRED TO BE LICENSED UNDER TITLE 14 OF THE HEALTH — GENERAL ARTICLE;

(II) A FAMILY DAY CARE HOME REQUIRED TO BE REGISTERED UNDER TITLE 5 OF THIS ARTICLE;

(III) A CHILD CARE HOME REQUIRED TO BE LICENSED UNDER TITLE 5 OF THIS ARTICLE OR UNDER TITLE 6 OF THE HEALTH — GENERAL ARTICLE;

(IV) A CHILD CARE INSTITUTION REQUIRED TO BE LICENSED UNDER TITLE 5 OF THIS ARTICLE OR UNDER TITLE 6 OF THE HEALTH — GENERAL ARTICLE;

(V) A PUBLIC SCHOOL AS DEFINED IN TITLE 1 OF THE EDUCATION ARTICLE;

(VI) A PRIVATE OR NONPUBLIC SCHOOL REQUIRED TO REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION UNDER TITLE 2 OF THE EDUCATION ARTICLE;

(VII) A FOSTER CARE FAMILY HOME OR GROUP FACILITY AS DEFINED UNDER TITLE 5 OF THIS ARTICLE;

(VIII) A RECREATION CENTER OR RECREATION PROGRAM OPERATED BY STATE OR LOCAL GOVERNMENT PRIMARILY SERVING MINORS; AND

(IX) A DAY OR OVERNIGHT CAMP, AS DEFINED IN TITLE 10, SUBTITLE 16 OF THE CODE OF MARYLAND REGULATIONS, PRIMARILY SERVING MINORS.

(3) "AFFECTED INDIVIDUAL" MEANS ANY OF THE FOLLOWING:

(I) A PERSON WHO, FOR COMPENSATION, IS AN EMPLOYER, MANAGER, SUPERVISOR, OR OPERATOR AT AN AFFECTED FACILITY;

(II) A PERSON WHO, FOR COMPENSATION, IS EMPLOYED TO WORK AT AN AFFECTED FACILITY; AND

(III) A PERSON WHO RESIDES IN AN AFFECTED FACILITY.

(4) "DEPARTMENT", UNLESS OTHERWISE INDICATED, MEANS THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(5) "SECRETARY" MEANS THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

5-561.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS PART VI OF THIS SUBTITLE, ON OR BEFORE THE FIRST DAY OF ACTUAL EMPLOYMENT OR RESIDENCE IN, OR OPERATION OF, AN AFFECTED FACILITY, AN AFFECTED INDIVIDUAL SHALL APPLY FOR A CRIMINAL BACKGROUND CHECK AT ANY DESIGNATED STATE OR LOCAL LAW ENFORCEMENT OFFICE IN THE STATE, BY WAY OF APPLICATION TO THE DEPARTMENT FOR A PRINTED STATEMENT INDICATING:

(1) THAT THE DEPARTMENT HAS CONDUCTED A CRIMINAL BACKGROUND CHECK OF THE APPLICANT THROUGH A FEDERAL, STATE, AND LOCAL CRIMINAL HISTORY RECORD INFORMATION SYSTEM;

(2) THAT THE APPLICANT HAS OR HAS NOT BEEN CONVICTED OF, OR IS NOT THE SUBJECT OF PENDING CHARGES WITHOUT A FINAL DISPOSITION INVOLVING, ANY OF THE FOLLOWING CRIMES OR ATTEMPTED CRIMES:

(I) MURDER, IN THE 1ST OR 2ND DEGREE, AS DEFINED UNDER ARTICLE 27, SECTIONS 407 AND 411 OF THE CODE;

(II) CHILD ABUSE, AS DEFINED UNDER ARTICLE 27, SECTION 35A OF THE CODE;

(III) RAPE, AS DEFINED UNDER ARTICLE 27, SECTIONS 462 AND 463 OF THE CODE;

(IV) A SEXUAL OFFENSE, AS DEFINED UNDER ARTICLE 27, SECTION 464, SECTION 464A, SECTION 464B, OR SECTION 464C OF THE CODE;

(V) CHILD PORNOGRAPHY, AS PROVIDED IN ARTICLE 27, SECTION 419A OF THE CODE;

(VI) KIDNAPPING OF A CHILD, AS DEFINED UNDER ARTICLE 27, SECTION 338 OF THE CODE; OR

(VII) CHILD ABDUCTION, AS PROVIDED IN ARTICLE 27, SECTION 1 OR SECTION 2, OR § 9-301 OF THIS ARTICLE;

(3) TO THE EXTENT POSSIBLE, THAT THE APPLICANT HAS OR HAS NOT BEEN CONVICTED OF AN OFFENSE OUTSIDE THE STATE OF MARYLAND WHICH WOULD HAVE BEEN A CRIME UNDER PARAGRAPH (2) OF THIS SUBSECTION IF COMMITTED IN MARYLAND.

(B) IN APPLYING FOR A PRINTED STATEMENT FROM THE DEPARTMENT, THE APPLICANT SHALL SUBMIT:

(1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN ON STANDARD FINGERPRINT CARDS AT ANY DESIGNATED STATE OR LOCAL LAW ENFORCEMENT OFFICE IN THE STATE;

(2) THE DISCLOSURE STATEMENT REQUIRED UNDER § 5-562 OF THIS PART VI OF THIS SUBTITLE; AND

(3) A PROCESSING FEE, THE ACTUAL COST OF WHICH MAY BE BORNE BY THE APPLICANT OR ANOTHER PERSON ON BEHALF OF THE APPLICANT, TO DEFRAY THE COSTS OF CONDUCTING THE CRIMINAL BACKGROUND CHECK. HOWEVER, THE PROCESSING FEE MAY NOT EXCEED THE MANDATORY FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION (FBI) FOR THE PURPOSE OF CONDUCTING A CRIMINAL BACKGROUND CHECK AND REASONABLE ADMINISTRATIVE COSTS, NOT TO EXCEED 10% OF THE MANDATORY FEE REQUIRED BY THE FBI UNDER THIS PARAGRAPH, AS DETERMINED BY THE SECRETARY.

(C) UPON COMPLETION OF THE CRIMINAL BACKGROUND CHECK, THE DEPARTMENT SHALL SUBMIT THE PRINTED STATEMENT REQUIRED OR PERMITTED UNDER THIS PART VI OF THIS SUBTITLE TO:

(1) THE APPLICANT'S CURRENT OR PROSPECTIVE EMPLOYER AT THE AFFECTED FACILITY;

(2) THE APPLICANT; AND

(3) EACH STATE OR LOCAL AGENCY HAVING LICENSING, REGISTERING, OR CERTIFYING RESPONSIBILITY FOR THE AFFECTED FACILITY AS PROVIDED IN § 5-560 OF THIS PART VI OF THIS SUBTITLE.

(D) EXCEPT FOR ANY NECESSARY ADMINISTRATIVE OR PERSONAL IDENTIFICATION INFORMATION, THE DATE ON WHICH THE CRIMINAL BACKGROUND CHECK WAS CONDUCTED OR COMPLETED, AND THE INFORMATION REQUIRED IN PARAGRAPH (4) OF THIS SUBSECTION, THE PRINTED STATEMENT SHALL CONTAIN THE FOLLOWING INFORMATION ONLY, STATED IN THE AFFIRMATIVE OR NEGATIVE:

(1) THAT THE DEPARTMENT HAS OR HAS NOT CONDUCTED THE CRIMINAL BACKGROUND CHECK REQUIRED OR PERMITTED UNDER THIS PART VI OF THIS SUBTITLE;

(2) THAT THE APPLICANT IS OR IS NOT THE SUBJECT OF ANY PENDING CHARGES WITHOUT A FINAL DISPOSITION, OR HAS OR HAS NOT BEEN CONVICTED OF A CRIME OR ATTEMPTED CRIME IDENTIFIED IN THIS SECTION;

(3) THAT THE APPLICANT HAS OR HAS NOT COMPLETED AND SIGNED THE DISCLOSURE STATEMENT REQUIRED UNDER THIS PART VI OF THIS SUBTITLE AND HAS OR HAS NOT DISCLOSED A CONVICTION FOR A CRIME IDENTIFIED IN § 5-562 OF THIS PART VI OF THIS SUBTITLE; AND

(4) IDENTIFICATION OF ALL PERSONS OR AGENCIES RECEIVING A COPY OF THE PRINTED STATEMENT UNDER THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION.

(E) EXCEPT IN THE CASE WHERE A PERSON WHO IS THE SUBJECT OF AN OUTSTANDING ARREST WARRANT OR CRIMINAL SUMMONS HAS BEEN IDENTIFIED, ALL INFORMATION OBTAINED BY THE DEPARTMENT REGARDING ANY CRIMINAL CHARGES AND THEIR DISPOSITION SHALL BE CONFIDENTIAL AND MAY NOT BE TRANSMITTED OUTSIDE THE DEPARTMENT, EXCEPT AS EXPRESSLY AUTHORIZED UNDER THIS PART VI OF THIS SUBTITLE, AND MAY NOT BE TRANSMITTED TO ANYONE WITHIN THE DEPARTMENT EXCEPT AS NEEDED FOR THE PURPOSE OF EVALUATING THE APPLICATION.

5-562.

(A) AS PART OF THE APPLICATION PROCESS FOR A CRIMINAL BACKGROUND CHECK, AN APPLICANT OR AN AFFECTED INDIVIDUAL SHALL DISCLOSE, BY WAY OF A SWORN STATEMENT OR AFFIRMATION, A CONVICTION, OR THE EXISTENCE OF ANY PENDING CHARGES WITHOUT A FINAL DISPOSITION, FOR ANY OF THE FOLLOWING CRIMINAL OFFENSES OR ATTEMPTED CRIMINAL OFFENSES:

(1) MURDER;

(2) CHILD ABUSE;

(3) RAPE;

(4) A SEXUAL OFFENSE INVOLVING A MINOR OR NONCONSENTING ADULT;

(5) CHILD PORNOGRAPHY;

(6) KIDNAPPING OR ABDUCTION OF A CHILD; OR

(7) ASSAULT, WHERE THE VICTIM WAS A CHILD UNDER THE AGE OF 15 YEARS OLD.

(B) UPON DISCLOSURE BY AN APPLICANT OR AN AFFECTED INDIVIDUAL WHO IS EMPLOYED AT AN AFFECTED FACILITY OF A CONVICTION FOR A CRIME OR ATTEMPTED CRIME IDENTIFIED IN THIS SECTION, AN EMPLOYER SHALL DENY OR TERMINATE EMPLOYMENT IMMEDIATELY.

(C) UPON DISCLOSURE OF A CONVICTION FOR A CRIME OR ATTEMPTED CRIME IDENTIFIED IN THIS SECTION BY AN APPLICANT OR AN AFFECTED INDIVIDUAL WHO IS AN OPERATOR OR RESIDENT AT AN AFFECTED FACILITY, THE APPROPRIATE LICENSING, CERTIFYING, OR REGISTERING AGENCY SHALL, SUBJECT TO THE PROCEDURES CONTAINED IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, DENY, SUSPEND OR REVOKE LICENSURE, REGISTRATION, CERTIFICATION, OR ELIGIBILITY AS A PLACEMENT SETTING FOR MINORS PENDING THE PERMANENT REMOVAL OF THE OPERATOR OR RESIDENT HAVING THE CONVICTION.

5-563.

(A) AN AFFECTED INDIVIDUAL WHO IS CONVICTED OF A CRIME OR ATTEMPTED CRIME IDENTIFIED IN § 5-562 OF THIS PART VI OF THIS SUBTITLE SUBSEQUENT TO APPLICATION FOR A CRIMINAL BACKGROUND CHECK SHALL DISCLOSURE THE CONVICTION TO THE EMPLOYER AND TO THE APPROPRIATE STATE OR LOCAL LICENSING, REGISTERING, OR CERTIFYING AGENCY RESPONSIBLE FOR THE AFFECTED FACILITY AND IDENTIFIED ON THE AFFECTED INDIVIDUAL'S PRINTED STATEMENT.

(B) ANY PERSON IDENTIFIED IN PARAGRAPHS (1) AND (2) OF SUBSECTION (A) OF § 5-565 OF THIS PART VI OF THIS SUBTITLE SHALL DISCLOSE A CONVICTION IMPOSED AFTER SEPTEMBER 30, 1985 FOR A CRIME OR ATTEMPTED CRIME IDENTIFIED IN THIS § 5-562 OF THIS PART VI OF THIS SUBTITLE.

5-564.

(A) AN AFFECTED INDIVIDUAL REQUIRED TO OBTAIN A CRIMINAL BACKGROUND CHECK UNDER THIS SUBTITLE MAY NOT EMPLOY, GAIN EMPLOYMENT, OPERATE, OR RESIDE IN AN AFFECTED FACILITY FOR LONGER THAN 1 WORK DAY WITHOUT APPLYING FOR A CRIMINAL BACKGROUND CHECK AND HAVING SIGNED THE DISCLOSURE STATEMENT PROVIDED FOR IN THIS PART VI OF THIS SUBTITLE.

(B) UPON RECEIPT OF A PRINTED STATEMENT CONTAINING A CONVICTION FOR A CRIME OR ATTEMPTED CRIME IDENTIFIED IN § 5-561 OF THIS PART VI OF THIS SUBTITLE, THE FOLLOWING SHALL OCCUR:

(1) IN THE CASE OF AN AFFECTED INDIVIDUAL STILL UNDER CONSIDERATION FOR EMPLOYMENT, EMPLOYMENT SHALL BE DENIED BY THE EMPLOYER;

(2) EXCEPT AS PROVIDED IN § 5-566(E) OF THIS PART VI OF THIS SUBTITLE, IN THE CASE OF AN AFFECTED INDIVIDUAL EMPLOYED IN AN AFFECTED FACILITY, EMPLOYMENT SHALL BE TERMINATED BY THE EMPLOYER IMMEDIATELY;

(3) IN THE CASE OF AN OPERATOR OR RESIDENT OF AN AFFECTED FACILITY, LICENSURE, REGISTRATION, CERTIFICATION, OR ELIGIBILITY AS A PLACEMENT SETTING SHALL BE DENIED, SUSPENDED OR REVOKED BY THE APPROPRIATE STATE OR LOCAL AGENCY, SUBJECT TO THE PROCEDURES CONTAINED IN TITLE 10, SUBTITLE 2, OF THE STATE GOVERNMENT ARTICLE, PENDING REMOVAL OF THE AFFECTED INDIVIDUAL HAVING THE CONVICTION FROM THE AFFECTED FACILITY.

(C) AN EMPLOYER OR OPERATOR OF AN AFFECTED FACILITY SHALL MAINTAIN A COPY OF THE PRINTED STATEMENT PROVIDED FOR IN THIS PART VI OF THIS SUBTITLE FOR INSPECTION BY PARENTS OR LEGAL GUARDIANS HAVING CHILDREN CURRENTLY ENROLLED OR CONSIDERING ENROLLMENT OF CHILDREN IN THE AFFECTED FACILITY, FOR THE FULL TERM OF EMPLOYMENT FOR EACH AFFECTED INDIVIDUAL.

5-565.

(A) THE MANDATORY REQUIREMENT FOR A CRIMINAL BACKGROUND CHECK UNDER THIS PART VI OF THIS SUBTITLE DOES NOT APPLY TO:

(1) A PERSON WHO IS ACTING IN A CAPACITY ON SEPTEMBER 29, 1985 FOR WHICH THE PERSON COULD BE DEEMED AN AFFECTED INDIVIDUAL AND WHO CONTINUES TO QUALIFY AS AN AFFECTED INDIVIDUAL, WITHOUT INTERRUPTION, IN THE SAME CAPACITY AT THE SAME LOCATION AFTER THAT DATE;

(2) A SUBSTITUTE TEACHER WHOSE NAME APPEARS ON THE APPROVED LIST OF SUBSTITUTE TEACHERS MAINTAINED BY A LOCAL SCHOOL SYSTEM ON SEPTEMBER 29, 1985, AND WHOSE NAME CONTINUES TO APPEAR ON THE LIST AFTER THAT DATE;

(3) A SUBSTITUTE TEACHER OR TEMPORARY WORKER WHO IS EMPLOYED TO WORK IN AN AFFECTED FACILITY AT THE SAME LOCATION FOR NOT MORE THAN 4 WORK DAYS IN A SINGLE MONTH;

(4) A MINOR;

(5) A VOLUNTEER IN AN AFFECTED FACILITY WHO IS NOT COMPENSATED; AND

(6) A DULY ORDAINED, COMMISSIONED, OR LICENSED MEMBER OF THE CLERGY OR A MEMBER OF A RELIGIOUS ORDER AND WHO IS ENTITLED TO AN EXEMPTION UNDER THE PROVISIONS OF ARTICLE 81, § 312(B)(3).

(B) AN EMPLOYER MAY REQUIRE A CRIMINAL BACKGROUND CHECK THROUGH A FEDERAL, STATE, AND LOCAL CRIMINAL HISTORY RECORD INFORMATION SYSTEM AS PROVIDED IN THIS PART VI OF THIS SUBTITLE FOR:

(1) A VOLUNTEER IN AN AFFECTED FACILITY WHO IS NOT COMPENSATED;

(2) A PERSON INITIALLY EMPLOYED OR APPOINTED TO WORK IN AN AFFECTED FACILITY PRIOR TO SEPTEMBER 30, 1985;

(3) A SUBSTITUTE TEACHER WHOSE NAME APPEARS ON THE APPROVED LIST OF SUBSTITUTE TEACHERS MAINTAINED BY A LOCAL SCHOOL SYSTEM ON SEPTEMBER 29, 1985 AND WHOSE NAME CONTINUES TO APPEAR ON THE LIST AFTER THAT DATE;

(4) A SUBSTITUTE TEACHER OR TEMPORARY WORKER WHO IS EMPLOYED TO WORK IN AN AFFECTED FACILITY AT THE SAME LOCATION FOR NOT MORE THAN 4 WORK DAYS IN A SINGLE MONTH; OR

(5) A PERSON EMPLOYED TO WORK IN A FACILITY OR ORGANIZATION HAVING PRIMARY RESPONSIBILITY FOR THE CARE AND SUPERVISION OF MINORS AND WHICH IS NOT IDENTIFIED IN § 5-560 OF THIS PART VI OF THIS SUBTITLE.

(C)(1) COMMENCING ON SEPTEMBER 30, 1985, ON OR BEFORE THE 1ST DAY OF ACTUAL EMPLOYMENT IN, OR IN THE CASE OF A VOLUNTEER, PARTICIPATION IN, AN AFFECTED FACILITY, ALL PERSONS IDENTIFIED IN PARAGRAPHS (3), (5), AND (6) OF SUBSECTION (A)

OF THIS SECTION SHALL BE REQUIRED TO COMPLETE AND SIGN A SWORN DISCLOSURE STATEMENT OR AFFIRMATION AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION SHALL BE REQUIRED TO COMPLETE AND SIGN A SWORN DISCLOSURE STATEMENT OR AFFIRMATION AS DESCRIBED IN SUBSECTION (A) OF SECTION 5-562 OF THIS PART VI OF THIS SUBTITLE. EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE PROVISIONS OF THIS PARAGRAPH MAY NOT BE CONSTRUED TO REQUIRE APPLICATION FOR A CRIMINAL BACKGROUND CHECK FOR A PERSON IDENTIFIED IN THIS PARAGRAPH.

(2) AN EMPLOYER OR OPERATOR MAY NOT EMPLOY, OR IN THE CASE OF A VOLUNTEER, PERMIT PARTICIPATION IN, AN AFFECTED FACILITY A PERSON IDENTIFIED IN THIS SUBSECTION FOR LONGER THAN 1 WORKDAY WITHOUT REQUIRING THE COMPLETION AND SIGNING OF THE DISCLOSURE STATEMENT REQUIRED UNDER THIS SUBSECTION.

(3) SUBJECT TO THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, AN EMPLOYER OR OPERATOR OF AN AFFECTED FACILITY SHALL MAINTAIN THE ORIGINAL COPY OF THE SWORN DISCLOSURE STATEMENT REQUIRED UNDER THIS SUBSECTION FOR INSPECTION BY PARENTS OR LEGAL GUARDIANS HAVING CHILDREN CURRENTLY ENROLLED OR CONSIDERING ENROLLMENT IN THE AFFECTED FACILITY, AND THE APPROPRIATE STATE OR LOCAL AGENCY HAVING LICENSING, REGISTERING, OR CERTIFYING RESPONSIBILITY FOR THE AFFECTED FACILITY, AS IDENTIFIED IN § 5-560 OF THIS PART VI OF THIS SUBTITLE, FOR THE FULL TERM OF EMPLOYMENT OR PARTICIPATION IN THE AFFECTED FACILITY.

(4) UPON DISCLOSURE BY AN INDIVIDUAL IDENTIFIED IN PARAGRAPH (1) OF THIS SUBSECTION OF A CRIMINAL CONVICTION IDENTIFIED IN § 5-562(A) OF THIS PART VI OF THIS SUBTITLE, EMPLOYMENT IN, OR IN THE CASE OF A VOLUNTEER, PARTICIPATION IN AN AFFECTED FACILITY SHALL BE DENIED OR TERMINATED.

5-566

(A) AN INDIVIDUAL MAY CONTEST THE FINDING OF A CRIMINAL CONVICTION OR PENDING CHARGE CONTAINED IN THE PRINTED STATEMENT.

(B) IN CONTESTING THE FINDING OF A CONVICTION OR A PENDING CHARGE AN INDIVIDUAL SHALL CONTACT THE OFFICE OF THE SECRETARY, OR A DESIGNEE OF THE SECRETARY AND A HEARING SHALL BE CONVENED WITHIN 20 WORK DAYS, UNLESS WAIVED BY THE INDIVIDUAL. A DECISION SHALL BE RENDERED BY THE SECRETARY, OR A DESIGNEE OF THE SECRETARY, REGARDING THE APPEAL WITHIN 5 WORK DAYS OF THE HEARING.

(C) FOR PURPOSES OF THIS PART VI OF THIS SUBTITLE, THE RECORD OF A CONVICTION FOR A CRIME IDENTIFIED IN § 5-561(A) OF THIS PART VI OF THIS SUBTITLE, OR A COPY THEREOF CERTIFIED BY

THE CLERK OF THE COURT OR BY A JUDGE OF THE COURT IN WHICH THE CONVICTION OCCURRED, SHALL BE CONCLUSIVE EVIDENCE OF THE CONVICTION. IN A CASE WHERE A PENDING CHARGE IS ALLEGED, DOCUMENTATION PROVIDED BY A COURT TO THE SECRETARY, OR A DESIGNEE OF THE SECRETARY, THAT A PENDING CHARGE FOR A CRIME IDENTIFIED IN § 5-561(A) OF THIS PART VI OF THIS SUBTITLE WHICH HAS NOT BEEN FINALLY ADJUDICATED SHALL BE CONCLUSIVE EVIDENCE.

(D) FAILURE OF THE INDIVIDUAL TO APPEAR AT THE SCHEDULED HEARING SHALL BE CONSIDERED GROUNDS FOR DISMISSAL OF THE APPEAL.

(E) IF AN INDIVIDUAL CONTESTS THE FINDING OF A CRIMINAL CONVICTION IN THE PRINTED STATEMENT, AN EMPLOYER MAY SUSPEND, RATHER THAN TERMINATE EMPLOYMENT, WITH OR WITHOUT PAY, OR TRANSFER THE INDIVIDUAL UNTIL THE APPEAL PROCEDURE PROVIDED FOR IN THIS SECTION IS CONCLUDED. HOWEVER, THE SUSPENDED OR TRANSFERRED EMPLOYEE MAY NOT CONTINUE TO WORK IN ANY CAPACITY AT ANY AFFECTED FACILITY DURING THE PERIOD OF SUSPENSION OR TRANSFER.

5-567.

(A) AN INDIVIDUAL WHO FAILS TO DISCLOSE A CONVICTION FOR A CRIMINAL OFFENSE IDENTIFIED IN § 5-562(A) OF THIS PART VI OF THIS SUBTITLE, AS REQUIRED IN § 5-562(A) AND § 5-565(C) OF THIS PART VI OF THIS SUBTITLE, SHALL BE GUILTY OF PERJURY AND UPON CONVICTION IS SUBJECT TO THE PENALTY PROVIDED BY LAW.

(B) AN INDIVIDUAL WHO VIOLATES ANY PROVISIONS OF §§ 5-563, 5-564, AND 5-565 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR, OR BOTH.

5-568

ANY PERSON OR ANY STATE OR LOCAL AGENCY THAT IN GOOD FAITH RELIES ON OR PARTICIPATES IN THE MAKING OF A CRIMINAL BACKGROUND CHECK UNDER THIS PART VI OF THIS SUBTITLE IS IMMUNE FROM ANY CIVIL OR CRIMINAL LIABILITY.

5-569

(A) ON OR BEFORE AUGUST 15, 1985, THE SECRETARY SHALL ADOPT RULES AND REGULATIONS TO IMPLEMENT THIS PART VI OF THIS SUBTITLE.

(B) THE RULES AND REGULATIONS SHALL:

(1) INCLUDE ADOPTION OF A SPECIFIED FORM OR FORMS TO BE USED IN APPLYING FOR THE CRIMINAL BACKGROUND CHECK TO BE ISSUED BY THE DEPARTMENT, INCLUDING AN APPROPRIATE DISCLOSURE STATEMENT;

(2) INCLUDE PROCEDURES FOR AN EMPLOYER OR OPERATOR OF AN AFFECTED FACILITY WHO IS REQUIRED TO MAINTAIN A PRINTED STATEMENT FOR INSPECTION;

(3) DESIGNATE THE APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT OFFICES IN THE STATE, AFTER CONSIDERING OFFICE CAPABILITIES AND GEOGRAPHIC CONVENIENCE, WHERE FINGERPRINTS MAY BE OBTAINED;

(4) PROVIDE FOR THE DISTRIBUTION OF APPLICATION FORMS FOR THE PRINTED STATEMENT REQUIRED UNDER THIS SUBTITLE TO THE APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT OFFICES IN THE STATE WHERE FINGERPRINTS MAY BE OBTAINED;

(5) ESTABLISH A STANDARD FEE STATEWIDE NOT TO EXCEED $5, TO BE PAID BY THE APPLICANT, REPRESENTING THE COSTS OF THE FINGERPRINTING PROCEDURE REQUIRED UNDER THIS PART VI OF THIS SUBTITLE;

(6) INCLUDE PROCEDURAL GUIDELINES GOVERNING THE HOLDING OF AN APPEAL HEARING WHEN THE CONTENTS OF A PRINTED STATEMENT ARE CONTESTED BY AN INDIVIDUAL; AND

(7) INCLUDE ANY OTHER NECESSARY AND REASONABLE PROVISIONS TO ADMINISTER THIS PART VI OF THIS SUBTITLE.

5-570

(A) THE GOVERNOR MAY INCLUDE FUNDS FOR THE IMPLEMENTATION OF THIS PART VI OF THIS SUBTITLE IN THE STATE BUDGET.

(B) FEES COLLECTED UNDER § 5-569(B)(5) OF THIS SUBTITLE SHALL BE DEPOSITED IN THE GENERAL FUND OF THE APPROPRIATE STATE, COUNTY, OR MUNICIPAL GOVERNMENT RESPONSIBLE FOR THE BUDGET OF THE LAW ENFORCEMENT OFFICE WHERE THE FINGERPRINTS ARE TAKEN.

SECTION 2. AND BE IT FURTHER ENACTED, That Section 5-569 of this Act shall take effect June 1, 1985.

SECTION 3. AND BE IT FURTHER ENACTED, That, with the exception of Section 5-569, this Act shall take effect September 30, 1985.

(Senate Bill 553)

PENNSYLVANIA: Seeking changes in a flawed law

For Pennsylvania educators, the state's new screening law represents an idea whose time has definitely not come.

"In many respects, this statute has come to epitomize well-intentioned legislation that, as a practical matter, simply will not work," Thomas Gentzel put the matter in testimony to the legislature in March 1985. "As noble as its goal may be, this law poses a serious threat to the continued operation of a wide variety of programs and services for children."

Gentzel is assistant director of governmental relations for the Pennsylvania School Boards Association. His organization has joined with state teacher and administrator groups as well as local government officials to seek changes in the new law.

Slated to take effect July 1, 1985, Pennsylvania's Act 244 requires school administrators, among many others, to run state criminal background checks on new employees. Officials also must request state Department of Public Welfare records on reports of child abuse for prospective employees. If officials do not do the two checks, they're liable for criminal fines of up to $2,500.

"The problem really is that this law was not designed initially for schools," said Gentzel. "Schools and school facilities were shoehorned into the definition of child care. . . . It would be one thing if this were thought through in advance."

In deliberations over the bill in 1984, there was "a last-minute amendment that put us in," he said, "and what legislator is going to vote to take schools out?" The law also may reach so far as to cover school crossing guards, lifeguards at community swimming pools and parks and recreation officials because they all, as the law says, "promote the safety and welfare of children."

The state bureaucracy simply is not geared up for its role, according to Gentzel. "The system is designed to prevent access in an easy way" to child abuse reports, and "there is no system in place for the department to check" the records, especially in a timely way, he said.

"It is very possible — in fact it is probable — that last minute teacher, bus driver, aide or other staff resignations, illnesses, or deaths, when combined with the requirement that all paperwork be fully processed prior to employment, could lead to situations where classes would have not teachers, buses no drivers, playgrounds no aides and cafeterias no cooks," said John Baillie, executive director of Chester County Intermediate Unit, in testimony before the state House Judiciary Committee in February 1985.

Not even counting Philadelphia and Pittsburgh, some 40,000 new school employees were hired in the 1983-84 school year in the state's districts,

according to a survey by the Pennsylvania Association of School Administrators. And assuming three candidates are considered for every spot, that would mean that at least 120,000 people a year — again not counting those in Philadelphia and Pittsburgh — would have to be screened, Baillie said. There could be a real crunch in July and August, when schools are assembling their staffs.

Other problems include the costs — $10 a head, which would come from tax dollars — and guarding the rights of job applicants. "What happens when our best applicant for a teaching position turns up on an indicated charge of child abuse and we don't hire him and the charge turns out to be untrue or incorrect?" asked Baillie.

The groups are asking, first and foremost, for a year's delay in implementing the law. Then they want changes to narrow the definitions of who the law covers, set a time limit on government processing of the job candidates, allow conditional hiring and shift liability for inaccurate information to the agencies that provided it. The school boards and local governments also advocate shifting the burden for the checks from the employers to employees.

As of mid-April 1985, no one had yet introduced legislation to solve the problems, but there is a bill to extend the criminal background checks to cover federal, as well as state, records, Gentzel said. He is optimistic that the legislature will act to change the law before it is to be implemented July 1. Meanwhile, districts are altering their employment forms and trying to get ready for the screening, should it go on as scheduled.

PENNSYLVANIA'S LAW

Amending the act of November 26, 1975 (P.L. 438, No. 124), entitled, as amended, "An act establishing child protective services; providing procedures for reporting and investigating the abuse of children; establishing and providing access to a Statewide central register and pending complaint file on child abuse; investigating such reports; providing for taking protective action including taking a child into protective custody; placing duties on the Department of Public Welfare and county children and youth social services agencies; establishing child protective services in each county children and youth social service agency; and providing penalties," ADDING A DEFINITION; authorizing the department to verify the existence of certain records; and requiring child care facilities to obtain certain records before hiring new employees.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. SECTION 3 OF THE act of November 26, 1975 (P.L. 438, No. 124), known as the Child Protective Services Law, is amended by adding a DEFINITION to read:

SECTION 3. DEFINITIONS. — AS USED IN THIS ACT:

"CHILD CARE" MEANS SERVICES WHICH PROVIDE PROTECTION FOR AND PROMOTE THE SAFETY AND WELFARE OF CHILDREN PURSUANT TO THIS ACT. THE SERVICES SHALL INCLUDE, BUT NOT BE LIMITED TO, THOSE SERVICES WHICH ARE PROVIDED BY CHILD DAY CARE CENTERS, FOSTER HOMES, BOARDING HOMES, JUVENILE DETENTION CENTERS AND PUBLIC AND PRIVATE SCHOOLS; OTHER SERVICES OR PROGRAMS FOR DELINQUENT OR DEPENDENT CHILDREN; AND ANY OTHER SERVICES PROVIDED TO CHILDREN WHICH ARE SUBJECT TO APPROVAL, LICENSURE OR CERTIFICATION BY THE DEPARTMENT OR BY A COUNTY SOCIAL SERVICE AGENCY OR WHICH ARE PROVIDED PURSUANT TO A CONTRACT WITH THE DEPARTMENT OR WITH A COUNTY SOCIAL SERVICE AGENCY.

SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 14.1. VERIFICATION OF EXISTENCE OF CERTAIN RECORDS REGARDING CHILD CARE EMPLOYEE APPLICANTS. — (A) PRIOR TO EMPLOYING A PERSON IN A CHILD CARE PROGRAM, THE ADMINISTRATOR OF THE PROGRAM SHALL:

(1) OBTAIN A REPORT OF CRIMINAL HISTORY RECORD INFORMATION REGARDING THE PERSON FROM THE PENNSYLVANIA STATE POLICE PURSUANT TO 18 PA. C.S. CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION) OR A STATEMENT THAT NO SUCH INFORMATION EXISTS; AND

(2) SUBMIT A WRITTEN REQUEST TO THE DEPARTMENT FOR VERIFICATION OF THE EXISTENCE OR NONEXISTENCE OF A FOUNDED OR INDICATED REPORT REGARDING THE PERSON AND THE DATE

OR DATES OF SUCH REPORTS. THE REQUEST TO THE DEPARTMENT SHALL INCLUDE A COPY OF THE EMPLOYMENT APPLICATION OF THE PERSON WHICH SHALL INCLUDE A STATEMENT BY WHICH THE PERSON AUTHORIZES THE VERIFICATION REQUEST.

(B) UPON RECEIPT OF THE REQUEST PURSUANT TO SUBSECTION (A)(2), THE DEPARTMENT SHALL VERIFY, IN WRITING, THE EXISTENCE OR NONEXISTENCE OF A FOUNDED OR INDICATED REPORT REGARDING THE PERSON AND THE DATE OR DATES THEREOF. THE INFORMATION SHALL BE USED FOR THE SOLE PURPOSE OF DETERMINING THE SUITABILITY OF THE PERSON FOR EMPLOYMENT IN A CHILD CARE PROGRAM.

(C) THE ADMINISTRATOR OF A CHILD CARE FACILITY COMMITS A CRIMINAL OFFENSE, PUNISHABLE BY A FINE NOT TO EXCEED $2,500, IF HE EMPLOYS ANY PERSON WITHOUT FIRST OBTAINING THE INFORMATION REQUIRED UNDER THIS SECTION.

SECTION 3. THIS ACT SHALL TAKE EFFECT JULY 1, 1985.

Act 244 of 1984

UTAH: The option's there but no one's taking it

Utah school districts are empowered to do what they must to run their schools. But routine criminal background screening of school staff, while permitted, isn't getting any takers.

The Utah code's "general powers" clause for schools gives the state's 40 school districts the right to check any file they wish on applicants for teaching jobs, according to Doug Bates, an attorney with the Utah education department specializing in government relations and school law.

And while the state's nine or 10 largest districts might be expected to be interested in such measures, they don't appear to be.

Granite School District, a 67,000-student district in Salt Lake County, is continuing its policy of asking job candidates if they've ever had a criminal conviction, according to Blair Brewster, director of staff personnel for the district. The district then runs criminal record checks on applicants who say they have a record.

Salt Lake City School District, which has 25,000 students, operates in a similar way, according to George Brooks, the district's administrator for personnel. Brooks said he's "been thinking of some way of assuring the quality of employees," but that his district has not made any moves to do routine criminal background checks.

Brooks said he would guess other Utah districts are in "about the same position." Brewster said he and his colleagues had never discussed instituting regular criminal screening.

Making criminal checks common practice "has never become an issue," he said. In his 22 years in personnel, "I've never had a child abuse accusation against an employee or applicant."

Occasionally the Granite district catches people lying on their applications. And depending on the situation, the board of education may dismiss them or impose some other penalty. The school board has a few times dismissed staffers for morals charges, Brewster said, but none of them dealt specifically with child abuse.

The Granite district, which is the state's largest, has a "security system" it can call into play at any time, Brewster said. For instance, the district recently asked the sheriff's office to check out a staffer on drunk driving, and the employee eventually was dismissed. "There is a means" of finding out about undesirables, he said.

The legislature in 1986 is likely to consider mandatory checks, Bates said. Two bills, one broad and one narrow, were put aside in 1985 by the legislature so the lawmakers could study the issue over the summer, he said.

UTAH'S LAW

. . . Every board of education . . . may do all things needful for the maintenance, prosperity and success of the schools and the promotion of education; and may adopt bylaws and rules for its own procedure, and make and enforce all needful rules and regulations for the control and management of the public schools of the district. . . .

(53-6-20 Utah Code, annotated 1953.)

CHAPTER 2

REPORTING CHILD ABUSE WHEN IT HAPPENS: PROCEDURES, PROTECTIONS AND . . . PROBLEMS

The one universal action educators must take when confronted with suspected child abuse is to report it to the authorities. Every state has a law mandating such reports. In some cases, educators can be fined or even imprisoned for failing to report.

While reporting is a universal requirement, the procedures for doing so vary widely from school district to school district and even sometimes from school to school. It is key to find out exactly what the responsibilities are under state law and as a matter of district policy.

"If I report it to the school vice principal, does that satisfy" my obligation? Robert Horowitz, associate director of the American Bar Association's National Legal Resource Center for Child Advocacy and Protection posed the hypothetical question before a group of teachers meeting at a National Education Association (NEA) conference in February 1985.

"Your responsibility may not end with the internal report," he said. "You are the identified reporter," and the report must get to its final destination for one to have fulfilled his or her legal responsibility.

"You can be civilly liable for not reporting," although so far there have been "very few prosecutions of professionals for failure to report." That may be changing, as now "many DAs [district attorneys] are looking to prosecute professionals to encourage reporting in the community," Horowitz said.

Reporting child abuse carries immunity from civil and criminal liability under every state law. If an educator makes a report "in good faith," the educator is not personally liable, according to Horowitz. It would "take a personal vendetta of the highest nature" with evidence of malice to open up a reporter of suspected abuse to a lawsuit.

Process Not Perfect

But there definitely will be mistakes, according to Thea Hambright, school social worker with the Alexandria, Va., Public Schools. Teenagers, for instance, could be "blackmailing their parents" by asking a teacher to report them. Regardless, "our job is to report it and let the professionals investigate. . . . If there's no evidence found, the case is closed."

And while confidentiality is usually guaranteed to a reporter, the participants in the NEA session had heard of cases where it's been broken. "You have the horror story of being confronted by the child protection agency and the parent and the child in the classroom," said one teacher.

Agreed another member of the audience: "When we have the phone in our hand, we have to deal with that." When the confidentiality is not

honored, not only is "your life ... in danger sometimes," said one teacher, but the "child shuts down and doesn't trust you," said another.

Telling the group that she had been subpoenaed to testify in a child abuse case, one woman said, "The only protection I had was the police."

There's "no good way to defeat a subpoena," said Horowitz. "A small minutia of cases go to court," and when they do, it may be the social worker, not the original reporter who must testify. But "when it happens, it busts confidentiality. I don't have any ready answers."

What Is Abuse?

Another tough issue — for both reporters and potential "abusers" — is the definition of abuse, according to Chris Pipho, senior information specialist at the Education Commission of the States. Does corporal punishment in a school constitute child abuse? Or as Pipho put it, "When a principal swats a kid, is that child abuse?"

Legislators in Minnesota are dealing with just that, according to Roger Barrett, staff attorney for the Minnesota Education Association. The issue of concern is the "use of reasonable force" by school officials. "As it is now it can be construed as abuse," he said.

The uncertainty creates even broader problems, because all educators must by law must report suspected child abuse. What does a teacher do who happens to see Mrs. Jones with her hand on a student's shoulder directing him to the principal's office? Barrett asked.

While the Minnesota lawmakers are still working on the problem, whatever they decide will say "a teacher can use some degree of force if necessary to restrain a kid to prevent injury" and the like, he said.

Yet another difficult aspect in reporting abuse can be the lack of feedback. "The confidentiality of the family is the highest priority" in many cases, and the information on the progress of a case simply may not be available, said Hambright.

Some states are encouraging such feedback, according to Louise Smith, health occupations teacher with Maplewood High School in Nashville, Tenn., and a prime mover in the Metropolitan Nashville Education Association's child abuse program. Minnesota, for instance, allows "the exchange of information for the good of the child" between teachers and social workers, she said.

One project addressing some of those issues was instituted in 18 classrooms in Cambridge, Mass., this year. The program is the Child Assault Prevention Program, a many-faceted program that originated in Columbus, Ohio, which Cambridge officials have supplemented with a support component for reporters of abuse and strong ties with social services workers.

The program, whose goal is to make children "safe, strong and free," consists of a meeting for teachers, two parent meetings and four role-

playing sessions in each classroom. For teachers, there is also a consulting "internal support team," where teachers may talk to social workers, a psychiatrist and even Social Services Department workers about what should and should not be reported to the authorities, according to Elsa Wasserman, director of Project Cadence for the school system and the head of the child abuse prevention program.

The relationship between schools and the social services authorities is "not an adversarial relationship," said Wasserman. It should be one of "cooperation and collaboration." Cambridge has worked to make its relationship an "excellent" one, she said.

Many publications deal with reporting and how to set up policies. Two recent ones are a federal government publication, *The Educator's Role In the Prevention and Treatment of Child Abuse and Neglect* by Diane Broadhurst, and *Child Abuse and Neglect: A Teacher's Handbook for Detection, Reporting, and Classroom Management*, a National Education Association publication by Cynthia Crosson Tower. *(For further information on ordering those publications, see the Resources and Appendices sections.)*

Table A—Who Reports Child Abuse

Who Must Report

States and Territories	"Any Person" or Any Other Person*	Physician	Nurse	Surgeon	Osteopath	Dentist	Resident	Intern	Hospital/Institution Personnel	Practitioner of Healing Arts*	Chiropractor	Optometrist	Podiatrist	Pharmacist	Mental Health Professional	Coroner/Medical Examiner
Alabama		X	X	X	X	X			X		X	X	X	X	X	X
Alaska		X	X	X	X	X			X	X	X	X			X	
Arizona		X	X	X	X	X	X	X			X		X		X	X
Arkansas		X	X	X	X	X	X	X	X						X	X
California		X	X	X		X	X	X	X		X		X			
Colorado		X	X	X	X	X		X	X		X		X		X	X
Connecticut	X	X	X	X	X	X	X	X			X	X	X		X	X
Delaware	X	X	X		X	X	X	X		X					X	X
District of Columbia		X	X			X					X				X	X
Florida	X	X	X													
Georgia		X	X		X	X	X	X					X		X	
Hawaii		X	X		X	X				X						X
Idaho	X	X	X				X	X								X
Illinois		X	X	X	X	X			X		X		X			X
Indiana	X															
Iowa		X	X	X	X	X	X	X	X	X	X	X	X		X	
Kansas			X			X	X	X		X					X	
Kentucky	X	X	X		X	X	X	X	X		X	X			X	X
Louisiana	X	X	X				X	X	X							
Maine		X	X		X	X	X	X			X		X		X	X
Maryland		X	X	X		X	X	X		X					X	
Massachusetts		X	X			X		X								X
Michigan		X	X			X										X
Minnesota									X	X					X	
Mississippi		X	X			X	X	X							X	
Missouri		X	X			X	X	X	X	X	X	X	X		X	X
Montana	X	X	X													
Nebraska	X	X	X						X							
Nevada		X	X	X	X	X	X	X	X		X	X			X	
New Hampshire	X	X	X	X	X	X	X	X	X		X	X			X	X
New Jersey	X															
New Mexico	X	X	X				X	X								
New York		X	X	X	X	X	X	X	X		X	X	X		X	X
North Carolina		X	X	X	X	X	X	X	X		X	X	X		X	X
North Dakota		X	X			X						X			X	X
Ohio		X	X	X		X	X	X					X		X	X
Oklahoma	X	X	X	X	X	X	X	X								
Oregon		X	X			X	X	X			X	X			X	
Pennsylvania		X	X		X	X		X	X		X	X	X		X	X
Rhode Island	X															
South Carolina		X	X			X				X		X			X	X
South Dakota		X	X	X	X	X	X	X			X	X	X		X	X
Tennessee	X															
Texas	X															
Utah	X		X													
Vermont		X	X	X	X	X	X	X	X		X					X
Virginia			X				X	X		X					X	
Washington		X	X	X	X	X				X	X	X	X	X	X	
West Virginia						X									X	
Wisconsin		X	X	X		X			X		X	X			X	X
Wyoming	X															
American Samoa		X	X	X	X	X	X	X	X		X	X	X		X	X
Guam		X	X	X	X	X		X	X	X	X	X	X		X	X
Puerto Rico	X	X	X			X	X	X	X	X	X			X		
Virgin Islands		X	X			X			X						X	

Numbers refer to explanatory notes following Table D.

** A state that does not specify categories of professionals that must report, but instead requires that every person or any person report, is checked only in this column.*

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Table A—Who Reports Child Abuse

Who Must Report													Who May Report	
Teachers[1]	Other School Personnel	Social Services Worker	Law Enforcement Officer	Peace Officer	Police Officers	Probation Officer	Parole Officer	Religious Healing Practitioner[2]	Child Care Institution Worker	Clergyman	Attorney	Others[3]	States and Territories	Permissive Reporting
X	X	X	X	X					X			X	Alabama	•
X		X		X				X				X	Alaska	•
X	X	X		X								X	Arizona	
X	X	X	X	X					X				Arkansas	•
X	X	X		X		X		X	X	X		X	California	•
X	X	X						X	X			X	Colorado	•
X	X	X			X				X	X			Connecticut	
X	X	X											Delaware	
X	X	X	X						X				District of Columbia	•
X		X										X	Florida	
X	X	X	X						X				Georgia	•
X		X											Hawaii	•
X		X							X				Idaho	
X	X	X	X					X	X			X	Illinois	•
													Indiana	
X	X	X		X					X				Iowa	•
X	X	X	X										Kansas	•
X	X	X		X					X			X	Kentucky	
X		X										X	Louisiana	•
X	X	X	X					X	X				Maine	•
X	X	X	X		X	X	X					X	Maryland	
X	X	X			X	X						X	Massachusetts	•
X	X	X	X						X			X	Michigan	•
X	X	X	X						X				Minnesota	•
X	X	X	X						X	X			Mississippi	
X	X	X	X	X		X	X	X	X	X		X	Missouri	•
X		X	X								X		Montana	
X	X	X											Nebraska	
X	X	X							X	X	X		Nevada	•
X	X	X	X					X	X	X		X	New Hampshire	
X		X	X										New Jersey	
													New Mexico	
	X	X	X	X				X	X				New York	•
X	X	X	X					X				X	North Carolina	
X	X	X	X		X				X			X	North Dakota	•
X	X	X						X	X		X	X	Ohio	•
													Oklahoma	
X	X	X		X					X	X	X	X	Oregon	
X	X	X	X	X				X	X			X	Pennsylvania	•
													Rhode Island	
X	X	X	X		X			X	X				South Carolina	•
X	X	X	X										South Dakota	•
													Tennessee	
													Texas	
													Utah	
					X							X	Vermont	•
X	X	X	X			X		X	X			X	Virginia	•
X	X	X						X	X			X	Washington	•
X	X	X	X	X				X	X			X	West Virginia	•
X	X	X	X		X				X				Wisconsin	•
													Wyoming	
X	X	X	X	X				X	X				American Samoa	•
X	X	X	X	X				X	X			X	Guam	•
X	X	X							X				Puerto Rico	
X	X	X	X	X					X			X	Virgin Islands	•

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Table B—Reporting Procedures

States and Territories	Orally, Followed By Writing	Time When Writing Is Due	As Soon As Possible (ASAP) or Not Specified (NS)	Orally Only	Orally or In Writing	Orally, Then In Writing If Requested	Time When Due, If Requested	Procedure Not Specified	Receipt of Report Noted by Receiving Agency	Law Enforcement Agency	Other Agency
Alabama	X		NS						X	X	X
Alaska								X	X[9]		
Arizona								X	X	X	
Arkansas						X	48 hours		X		
California	X	36 hours							X	X	X
Colorado	X		NS						X	X	
Connecticut	X[1]	72 hours							X	X	
Delaware						X	NS[7]		X		
District of Columbia						X	NS		X	X	
Florida	X		ASAP						X		
Georgia					X	NS			X[1]		
Hawaii	X		ASAP						X		
Idaho								X[1]		X	
Illinois	X	24 hours							X		
Indiana				X					X	X	
Iowa	X[1]	48 hours							X		
Kansas						X	NS				X
Kentucky						X	48 hours		X[9]		
Louisiana	X	5 days							X	X	
Maine						X	48 hours		X		
Maryland	X	48 hours							X	X	
Massachusetts	X	48 hours							X		
Michigan	X	72 hours							X		
Minnesota	X		ASAP						X	X	
Mississippi	X		ASAP						X		
Missouri	X	48 hours							X		
Montana								X	X		X
Nebraska	X		NS							X	
Nevada	X		ASAP						X	X	X
New Hampshire						X	48 hours		X		
New Jersey								X	X		
New Mexico								X	X		X
New York	X	48 hours							X[9]		X
North Carolina					X				X		
North Dakota					X	X	48 hours		X		
Ohio						X	NS		X	X	X
Oklahoma	X		ASAP						X		
Oregon				X					X	X	
Pennsylvania	X	48 hours							X		
Rhode Island	X		NS						X		
South Carolina				X					X	X	
South Dakota				X					X		X
Tennessee								X	X	X	X
Texas	X	5 days							X	X	X
Utah						X	48 hours		X	X	
Vermont	X	7 days							X		
Virginia	X		NS						X		
Washington						X	NS		X	X	
West Virginia						X	48 hours		X		
Wisconsin						X	NS		X	X	
Wyoming						X	NS		X	X	
American Samoa						X	48 hours				X
Guam	X	48 hours							X		
Puerto Rico								48[9]	X		
Virgin Islands						X	48 hours				X

Numbers refer to explanatory notes following Table D

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Table C—Immunity For Child Abuse Reporters

States and Territories	Civil and Criminal Immunity in Making of a Report	Immunity for the Taking of Photographs	Immunity for the Taking of X-rays	Immunity in Resulting Judicial Proceedings	Requirement of Good Faith	Good Faith Presumed
Alabama	X			X		
Alaska	X			X	X	
Arizona	X			X	X	
Arkansas	X	X				X
California	X			X	X	
Colorado	X	X	X	X		X
Connecticut	X			X	X	
Delaware	X			X	X	
District of Columbia	X			X	X	X
Florida	X	X	X	X		X
Georgia	X			X	X	
Hawaii	X			X	X	
Idaho	X			X	X	
Illinois	X	X	X	X		X
Indiana	X	X	X	X	X	X
Iowa	X			X	X	
Kansas	X			X	X	
Kentucky	X			X		
Louisiana	X			X	X	
Maine	X			X		X
Maryland	X			X	X	
Massachusetts	X				X	
Michigan	X	X*	X*			X
Minnesota	X				X	
Mississippi	X			X		X
Missouri	X	X	X	X	X	
Montana	X			X		X
Nebraska	X			X	X	
Nevada	X			X	X	
New Hampshire	X			X	X	
New Jersey	X			X	X	
New Mexico	X			X		X
New York	X	X				X
North Carolina	X			X	X	
North Dakota	X				X	X
Ohio	X			X		
Oklahoma	X			X	X	
Oregon	X			X	X	
Pennsylvania	X	X		X	X	X
Rhode Island	X			X	X	
South Carolina	X			X	X	X
South Dakota	X			X	X	
Tennessee	X					X
Texas	X			X	X	
Utah	X	X	X		X	
Vermont	X			X	X	
Virginia	X			X	X	
Washington	X			X	X	
West Virginia	X	X*	X*		X	
Wisconsin	X	X			X	X
Wyoming	X	X*	X*		X	X
American Samoa	X	X			X	X
Guam	X	X		X	X	X
Puerto Rico	X					
Virgin Islands	X	X*	X*		X	

Numbers refer to explanatory notes following Table D

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Table D—Central Registries Mandated By Statute

States and Territories	Central Registry Mandated By Statute	Statute Silent About Types of Reports to Registry	Only Willful Reporter's Report Included	Reports Describing Results of All Investigations Included	Reports Describing Results of Probable or Indicated Investigations Included	Reports Describing Results of All Investigations & Other Reports Included	Follow-up Reports Included	Other Information Authorized to be Included
Alabama	X					X	X	X
Alaska	X			X				
Arizona	X					X		
Arkansas	X					X	X	X
California	X		X*					
Colorado	X	X						
Connecticut	X		X					
Delaware	X*							
District of Columbia	X				X*		X	X
Florida	X			X				
Georgia								
Hawaii	X	X						
Idaho	X	X						
Illinois	X		X					
Indiana								
Iowa	X					X	X	
Kansas								
Kentucky								
Louisiana	X	X						
Maine								
Maryland	X	X*						
Massachusetts	X*							
Michigan	X	X						
Minnesota								
Mississippi	X*							
Missouri	X					X	X	
Montana	X	X						
Nebraska	X		X					
Nevada	X			X			X	X
New Hampshire	X	X						
New Jersey	X	X						
New Mexico								
New York	X					X	X	X
North Carolina	X	X						
North Dakota								
Ohio	X	X						
Oklahoma	X			X				
Oregon	X				X			
Pennsylvania	X				X		X	
Rhode Island	X	X						
South Carolina	X				X			
South Dakota	X*							
Tennessee	X*							
Texas	X	X						
Utah	X					X	X	X
Vermont	X				X		X	
Virginia	X	X						
Washington	X	X						
West Virginia								
Wisconsin	X			X				
Wyoming	X*				X			X
American Samoa	X					X	X	X
Guam	X				X		X	X
Puerto Rico								
Virgin Islands								

Numbers refer to explanatory notes following Table D

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Footnotes—Table A

[1] Jurisdictions requiring reports of child abuse from "Practitioners of the Healing Arts" imply that all medical professionals must report. If a statute enumerates specific medical professionals, in addition to "practitioners," these were checked in the appropriate column as well. Similarly, some states require reports of abuse from "any person, such as, or including, but not limited to..." In such cases, each party listed was checked as well as the "Any Other Person" column.

[2] The following have been designated under both the "Teacher" and "Other School Personnel" column because of the statutes' inference: Arizona, Colorado, Delaware, Iowa, Nebraska, and Oregon refer to school personnel or employees. Minnesota refers to "a professional or his delegate who is engaged in the practice of education."

[3] All jurisdictions checked in the "Religious Healing Practitioner" column except for Alaska, California, and Ohio, refer to Christian Scientists. South Carolina and West Virginia refer to both Christian Scientists and religious healing practitioners.

[4] Other specifically named persons not listed by a separate heading in Table A, but required to report include: Alabama—sanitarium; Alaska—health aide, physical therapist, and Officers of the Division of Corrections; Colorado—child health associates; Illinois—truant officer, social services administrator, and Illinois Department of Public Aid; Kentucky—health professional; Maryland—professional employee of a correctional institution and state trooper; Massachusetts—guidance or family counselor; Michigan—audiologist; Missouri—juvenile officer; New Hampshire—therapist; North Carolina—public health worker; Ohio—speech pathologist or audiologist; Oregon—employee of the Department of Human Resources, county health department, community mental health program, and county juvenile department; Vermont—physician's assistant; Washington—employee of the department of social and health services.

Footnotes—Table B

[1] Connecticut—In addition to § 17-38a (b), which is reflected in Table E, Connecticut law has several deviations in its reporting procedure. § 17-38a states that "Any of the persons described in subsection (b) of section 17-38a having reasonable cause to believe that any child...is in danger of being abused, but who does not have reasonable cause to suspect any such abuse has actually occurred, shall immediately cause a written report to be made..." And § 17-38c states that "Any person other than those enumerated in subsection (b) of section 17-38a having reasonable cause to suspect or believe that any child...is in danger of being abused or neglected, or has been so abused or neglected shall immediately cause a written or oral report to be made..."

[2] Iowa—"...Each report made by a mandatory reporter...shall be made both orally and in writing. Each report made by a permissive reporter...may be oral, written, or both."

[3] Delaware—"...in accordance with the rules and regulations of the Division of Social Services."

[4] Idaho—"...within twenty-four hours."

[5] Puerto Rico—"...by the quickest means of communication, within a period of not more than 48 hours after the minor's condition is known."

[6] Alaska—"If the person making a report...cannot reasonably contact the nearest office of the department, and immediate action is necessary for the well-being of the child, the person shall make the report to a peace officer."

[7] Georgia—"...to a child welfare agency providing protective services, or, in the absence of such agency, to an appropriate police authority."

[8] Kentucky—"...to the Bureau. If the person making the report has reason to believe that immediate protection for the child is advisable, the person shall also make an oral report to an appropriate law enforcement agency."

[9] New York—"...Oral reports...to the statewide central register, unless the local plan...provides that oral reports should be made to the local child protective service. Written reports shall be made to the appropriate child protective service..."

Footnotes—Table C

[1] Michigan's immunity section extends to "assisting in any other requirement of this act," and § 722.626 (1), (2) (Supp. 1978) authorizes physicians to detain endangered children in protective custody and to take X-rays and photographs.

[2] West Virginia's immunity extends to "any act permitted or required by this article," and § 49-6A-4 authorizes any person required to report to take photographs and X-rays at public expense.

[3] Wyoming's immunity extends to "any act required or permitted," and § 14-3-208(c) allows any person investigating, examining, or treating suspected child abuse or neglect to take photographs and X-rays.

[4] The Virgin Islands' immunity extends to "any act permitted or required by this chapter," and § 175 authorizes mandatory reporters to take photographs and X-rays. § 178 (a) authorizes police and physicians to take protective custody of children.

Footnotes—Table D

[1] The central registry contains "data sufficient to identify children whose names are reported."

[2] The central registry contains only the name, address, and age of each child, the nature of the harm reported, and the name and address of the person responsible for the care of the child.

[3] The central registry contains reports of court actions only.

[4] The central registry contains reports of physical injury only as well as arrests for, and convictions of, violation of § 273a.

[5] The central registry contains the initial reports of "founded" or "indicated" investigations also.

[6] The name of any person may not be entered unless he has been adjudicated a child abuser, has unsuccessfully appealed the entry through Department procedures, or has failed to respond to notification that his name would be entered.

[7] "Information concerning each case of abuse or neglect" is included.

[8] The central registry contains reports "under investigation," "founded," or "closed."

Source: ***Child Abuse & Neglect State Reporting Laws,*** *National Center on Child Abuse and Neglect, 1980*

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CHAPTER 3

PREVENTING AND TREATING CHILD ABUSE IN THE SCHOOLS

The publicity about child abuse has had a felicitous effect not only on reporting of child abuse but also on the establishment of local programs to combat abuse.

Although many programs are being originated locally, many more are started by one school district or a chapter of the the National Committee for Prevention of Child Abuse and then exported for use around the country.

The federal government, with money from the 1974 Child Abuse Prevention and Treatment Act, has supported several school programs over the years as have states.

The current push at the National Center on Child Abuse and Neglect is on preventing sexual abuse. The government center, which administers the federal child abuse law, in June 1985 plans to award about $750,000 in grants to schools and other nonprofits for model programs to heighten the awareness of children about sexual abuse, according to Duane Ragan, the official responsible for overseeing the review of the grant proposals.

Recently, too, the federal government distributed copies of a reporting manual for educators to districts with enrollments over 25,000. The center has gotten requests for many more copies of the manual, *The Educator's Role in the Prevention of Child Abuse and Neglect*, said Ragan.

Administrators should "consider a training session on child maltreatment with teachers and staff at your school," said then-Education Secretary Terrel Bell and Health and Human Services Secretary Margaret Heckler in a joint letter accompanying the manual.

In addition, administrators should learn to recognize symptoms of neglect and abuse, know about state reporting requirements and immunity for child abuse reporters, and participate in community programs, the officials said in the October 1984 letter.

"As professional educators, you and your faculty occupy a unique position as the most constant and perceptive observers of emotional, social, and intellectual growth in our children. Because of that pivotal role, we ask you to assist in your community's efforts to prevent this tragedy from occurring and to help give maltreated children and their families the professional protection and treatment they desperately need."

Through the years, the center has supported other curricula and instructional projects, according to Karen Mitchell, a project officer with the center. In 1977, for instance, the center supported a curriculum devised by the Council for Exceptional Children, called "We Can Help." That

marked the center's entry into supporting more comprehensive programs, not just those on reporting but on family support as well, said Mitchell.

In September 1984, the center also published abstracts on roughly 10 school-based prevention programs, she said. Two other activities have included support for training programs for educators as well as for the Illusion Theater, a Minneapolis-based group. The theater began as a resource for the Minneapolis public schools in 1974 and has since exported several different ways of telling children about sexual abuse and encouraging them to report.

"Touch" is a theatrical program aimed at elementary school children, "No Easy Answers" is one for adolescents and "For Adults Only," is aimed at adults and the confusion between sex and violence. The Illusion Theater's programs have reached more than 475,000 people through 1,800 performances and training sessions, the group said.

Education Department Campaign

The U.S. Education Department in fall 1984 kicked off a campaign against missing children with school materials featuring the "crime-fighting dog 'McGruff.'" The message from McGruff, "Be Safe — Be Smart — Say No To Strangers," was carried to every state and local education agency and elementary school principal right before Halloween 1984 in the form of a brochure for educators and parents, a coloring book for grades K-3, a bookmark for grades 4-6 and a poster.

"If parents and teachers in communities around the country become more aware of potential threats to our children's safety, we can prevent many of these tragedies," President Reagan said in a statement in the brochure.

The National Committee for Prevention of Child Abuse also has been very busy in support of school programs to combat abuse. "We get a lot of calls from public schools," says Joyce Byers, the committee's assistant to the director for public awareness.

The Chicago-based committee and the National PTA recently teamed up to send 30,000 packets of information to local PTAs around the country. Included is an eight-page guide for PTA planning committees on child abuse statistics, facts about abuse, resources, and suggested courses of action. The packet also contains other brochures on abuse, including one called, "What Every Parent Should Know," and the now-well-known comic book of "Spiderman and Power Pack." Spiderman confesses to having been sexually abused as a child in the special comic put out by the Marvel Comics Group in cooperation with the national committee.

The committee's state chapters are responsible for some innovative programs used in the schools. For instance, the Kansas Committee for the Prevention of Child Abuse has two different programs relating to child abuse and another one for latchkey children.

Latchkey Program

As Diane Broadhurst, child abuse consultant and author of the government's manual for educators, puts it, neglect is the largest form of child abuse, and special attention should be given to latchkey children.

"Opening Doors for Latchkey Families," the Kansas program, features a film for parents and students, a "self-care" course for children and parents and a parent guide. The film, which includes fantasy characters of "Lord of the Locks" and his friend Ariel, depicts a "typical day in a latchkey family" and "encourages open communication and the setting down of responsibility," said Jenith Hoover, a staffer with the committee. The course helps parents and children set the ground rules for self-care and teaches the child about safety; the guide includes a contract parents and children may sign.

The program is being used in 41 states and Canada by schools and by businesses, which offer the program to their employees, Hoover said.

Part of the costs for the program was underwritten by the Kansas Family and Children's Trust Fund, the nation's first such state fund. Trust funds are created generally in two ways: through extra fees of $2 to $10 on marriage licenses, birth certificates or divorce decrees or through refunds of state income tax, according to the national center. Their funds are used for support of child abuse prevention and treatment activities.

As of June 1984, 17 states had children's trust funds, and there were groups pushing for funds in an equal number of states.

"A Children's Trust Fund takes the pressure off the regular state social services budget to fund often neglected preventive services," the center said in its *Children's Trust Funds* report. Dr. Ray Helfer, an East Lansing, Mich., pediatrician, and at the time, a vice president of the national committee, came up with the idea.

The same federal law that encourages states to enact child abuse screening laws also provides for a federal contribution to children's trust funds. While no federal money has been set aside for trust funds, some lawmakers may push for supplemental appropriations for fiscal 1985 for the matching money, according to Tom Birch, coordinator of the Washington, D.C.-based National Child Abuse Coalition.

Unique State Law

On the state level, the California legislature in its 1984 session approved a comprehensive $11.2 million program to combat child abuse. The measure, which its author believes is the first of its kind in the nation, provides for instruction on avoiding and reporting abuse to children three times during their regular school careers and once during their preschool or kindergarten years.

The measure, known as Assembly Bill 2443, also supports counseling

programs for children and workshops for parents and teachers, according to Stan DiOrio, legislative assistant to Assemblywoman Maxine Waters and the author of the bill. In addition, it is paying for two Prevention Training Centers, one in the northern part of the state and one in the southern part, that will help local districts with their programs and act as clearinghouses for information on different curricula.

The two-year bill was one of nearly 40 bills the California legislature approved on child abuse in 1984, DiOrio said. Most of the measures, he said, dealt with "after-the-fact" issues such as longer prison sentences for abusers.

National education groups have had varying degrees of involvement in the issue. The National Education Association in fall 1984 first offered a training program for teachers on detecting and reporting abuse unlike any other program available.

The comprehensive program, written by Cynthia Crosson Tower, includes a guide to legal questions, pamphlets for parents, guidelines for students, reproduceable materials for workshops, filmstrips, audiocassettes and a bibliography. Tower, assistant professor and coordinator of the Human Services Program at Massachusetts' Fitchburg State College, worked with more than 500 educators to develop the program.

The American Federation of Teachers devoted one of its "Inside Your Schools" television programs to child abuse. The half-hour videotape explores the problem and shows various local programs, including those on latchkey children, on reporting, on the Illusion Theater's programs, and on Fairfax County, Va.'s "safe houses" program.

The American Academy of School Administrators in April 1985 held a conference specifically on child abuse programs for about 20 administrators. And the PTA, of course, has sent its information packets to its local organizations. Other education groups have included sessions on abuse in their annual meetings or published an article on the topic in their publications. Others have been silent on the issue.

(The addresses of the organizations named in this section can be found in the Resources section.)

State Eligibility

SEC. 405. Any State is eligible for a grant under sections 402 to 409 for any fiscal year if such State has established or maintained in the previous fiscal year a trust fund or other funding mechanism, including appropriations, which is available only for child abuse and neglect prevention activities, including activities which—

(1) provide statewide educational and public informational seminars for the purpose of developing appropriate public awareness regarding the problems of child abuse and neglect;

(2) encourage professional persons and groups to recognize and deal with problems of child abuse and neglect;

(3) make information about the problems of child abuse and neglect available to the public and organizations and agencies which deal with problems of child abuse and neglect; and

(4) encourage the development of community prevention programs, including—

(A) community-based educational programs on parenting, prenatal care, perinatal bonding, child development, basic child care, care of children with special needs, coping with family stress, personal safety and sexual abuse prevention training for children, and self-care training for latchkey children; and

(B) community-based programs relating to crisis care, aid to parents, child-abuse counseling, peer support groups for abusive or potentially abusive parents and their children, lay health visitors, respite or crisis child care, and early identification of families where the potential for child abuse and neglect exists.

Limitations

SEC. 406. (a)(1) Any grant made to any eligible State under sections 402 to 409 in any fiscal year shall be equal to the lesser of—

(A) 25 percent of the total amount made available by such State for child abuse and neglect prevention activities and collected in the previous fiscal year in a trust fund (excluding any interest income from the principal of such fund) or through any other funding mechanism, including appropriations; or

(B) an amount equal to 50 cents times the number of children residing in such State according to the most current data available to the Secretary.

(2) For purposes of clause (B) of paragraph (1), the term "children" means individuals who have not attained the age of majority, as defined by such State.

(b)(1) No grant may be made to any eligible State unless an application is made to the Secretary at such time, in such manner and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of sections 402 to 409. Each application shall—

(A) specify that the trust fund advisory board, or in States without a trust fund mechanism, the State liaison agency to the National Center

on Child Abuse and Neglect, established by section 2 of the Child Abuse Prevention and Treatment Act, will be responsible for administering and awarding of the Federal grants to eligible recipients carrying out activities described in section 5;

(B) provide assurances that any assistance received under sections 402 to 409 shall not be used as a source for non-Federal funds for the matching requirements of any other provision of Federal law; and

(C) provide for keeping records and making such reasonable reports as the Secretary deems essential to carry out the purposes and provisions of sections 402 to 409.

(2) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove and opportunity for a hearing with respect to the disapproval.

Withholding

SEC. 407. Whenever the Secretary, after reasonable notice to any State and opportunity for hearing within the State, finds that there has been a failure to comply with any provision of sections 402 to 409, the Secretary shall notify the State that further payments will not be made under sections 402 to 409 until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made under sections 402 to 409.

Audit

SEC. 408. The Comptroller General of the United States, and any of his duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any applicant and any other entity receiving assistance under sections 402 to 409 that are pertinent to the sums received and disbursed under sections 402 to 409.

Report

SEC. 409. The Secretary shall prepare and submit to the Congress at the end of each year a compilation and analysis of any reports submitted by eligible States under section 6(b)(1)(C).

Approved October 12, 1984
(P.L. 98-473, Title IV)

CALIFORNIA'S SCHOOL CHILD ABUSE PREVENTION LAW

An act to add Sections 18953.5 and 18953.7 to, and to add Chapter 12 (commencing with Section 18975) to Part 6 of Division 9 of, the Welfare and Institutions Code, relating to child abuse, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 1984. Filed with Secretary of State September 30, 1984.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2443, M. Waters. Child abuse.

Various provisions of existing law deal with child abuse, including pilot projects in the area of child abuse and neglect prevention by the Office of Child Abuse Prevention.

This bill would enact the Maxine Waters Child Abuse Prevention Training Act of 1984 which would require the Office of Child Abuse Prevention to fund 2 prevention centers and to contract for and fund primary child abuse prevention programs, as defined, in each county.

The bill would require the office to select the programs to be conducted in each county through a competitive bidding process, as specified.

This bill would appropriate $11,250,000 from the General Fund to the office for the purposes of the bill.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would create a state-mandated local program by requiring local agencies and school districts to perform functions related to the program provided for under the bill.

The appropriation provided for in the bill could, however, be used to defray state-mandated costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

This bill would take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 18953.5 is added to the Welfare and Institutions Code, to read:

18953.5. The Office of Child Abuse Prevention may fund the various programs and centers established pursuant to this chapter and Chapter 12 (commencing with Section 18975) by means of grants rather than contracts. The grants shall not be subject to the review specified in Section 10295 of the Public Contract Code.

SEC. 2. Section 18953.7 is added to the Welfare and Institutions Code, to read:

18953.7. The Office of Child Abuse Prevention may renew grants not to exceed three years in duration on condition that the grant is reviewed annually and the grantee is found to be satisfactorily meeting the grant objectives.

SEC. 3. Chapter 12 (commencing with Section 18975) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 12: THE MAXINE WATERS CHILD ABUSE PREVENTION TRAINING ACT OF 1984

Article 1. General Provisions and Definitions

18975. This chapter is known and may be cited as the Maxine Waters Child Abuse Prevention Training Act of 1984.

18975.1. The Legislature finds and declares all of the following:

(a) Child abuse and neglect is a severe and increasing problem in California.

(b) School districts and preschools are able to provide an environment for training of children, parents, and all school district staff.

(c) Primary prevention programs in the school districts are an effective and cost-efficient method of reducing the incidence of child abuse and neglect and for promoting healthy family environments.

(d) To ensure comprehensive and effective primary prevention education to all of California's public school children, it is the intent of the Legislature to provide adequate funding for training for each child four times in their school career, including once in preschool, elementary school, junior high school, and senior high school.

18975.2. It is the intention of the Legislature that primary prevention training for all children in publicly funded preschool through 12th grades, be encouraged in the school district system and preschools by the funding of appropriate agencies to provide the training.

18975.3. Unless the context otherwise requires, the definitions contained in this article govern the construction of this chapter.

18975.4. "Department" means the State Department of Social Services.

18975.5. "Office" means the Office of Child Abuse Prevention in the State Department of Social Services.

18975.6. "Child abuse" means those acts defined in Section 11165 of the Penal Code.

18975.7. A "primary prevention program" means a training and educational program for children, which is directed toward all of the following:

(a) Preventing the occurrence of child abuse, including physical abuse, sexual assault, and child neglect.

(b) Reducing the general vulnerability of children, including coordination with and training for parents and school staff.

18975.8. "Startup costs" for a primary prevention program means staff development, arranging with training centers for training, program planning, materials preparation, coordination with school districts, coordination with other relevant agencies and community organizations, securing office space, basic office supplies, and other reasonable costs associated with implementing the program.

18975.9. "Prevention training center" means a center defined in Article 3 (commencing with Section 19877).

18975.10. "Preschool" means state and federally subsidized preschool and child care development programs as defined in subdivisions (h) and (dd) of Section 8208 of the Education Code.

Article 2. Primary Prevention Programs

18976. A primary prevention program shall include all of the following:

(a) Parent, teacher, and children's workshops which provide all of the following:

(1) Information, provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions.

(2) Workshops which are culturally and linguistically appropriate to the population served and which are staffed by people with cultural and linguistic backgrounds representing the diversity of the population in the service area.

(3) Workshops which are appropriate to the geographic area served.

(4) Workshops which are designed to help counteract common stereotypes about victims and offenders.

(b) Parent and school staff workshops presented prior to the presentation of children's workshops, which include information and training concerning all of the following:

(1) Physical and behavioral indicators of abuse.

(2) Crisis counseling techniques.

(3) Community resources.

(4) Rights and responsibilities regarding reporting.

(5) School district procedures to facilitate reporting and apprise supervisors and administrators of reports.

(6) Caring for a child's needs after a report is made.

(c) Children's workshops shall contain information and training concerning all of the following:

(1) The right of every child to live free of abuse.

(2) How to disclose incidents of abuse.

(3) The availability of support resources and how to obtain help.

(4) Child safety training and age-appropriate self-defense techniques.

(5) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

18976.5. Parents shall be given notice of, and may refuse to have their children participate in, a primary prevention training program.

Article 3. Prevention Training Centers

18977. A prevention training center shall provide information and services to primary prevention programs, the office, and interested applicants for grants, as follows:

(a) Act as a clearinghouse to provide information on state-of-the-art prevention curricula which meet the requirements of this chapter.

(b) Assist in selecting a prevention program model, or a combination of program models, which will meet the needs of their communities.

(c) Design and administer training sessions to develop or expand local primary prevention programs.

(d) Provide technical assistance to local programs, including, but not limited to, all of the following: administration, management, evaluation, program development, development of multicultural staffing, and community education.

(e) Provide ongoing program development and in-service training to meet all of the following:

(1) The special needs of children, including, but not limited to, the needs of disabled and high-risk children.

(2) The geographic, cultural, and linguistic needs of the diverse communities of the state.

(f) Conduct an outreach program to inform communities of the existence of funds to conduct primary prevention programs.

(g) To act in an advisory capacity to the office to provide information for all of the following:

(1) The development of a standard request for proposal as described in Section 18978.2.

(2) Suggestions of appropriate agencies to receive the request for proposal.

(3) The determination of, if requested, a current needs assessment for the number of projects needed to serve a county.

Article 4. The Office of Child Abuse Prevention

18978. The office shall select and award grants by January 1, 1985, to two private, nonprofit prevention training centers, one located in, and serving northern California, and one located in, and serving southern California. The dividing line for the purposes of this act shall be the county boundary lines between Monterey, Kings, Tulare, and Inyo Counties to the north, and San Luis Obispo, Kern, and San Bernardino Counties to the south.

18978.1. The office shall select the two training centers which can fulfill the requirement of Section 18977, and which meets the following requirements:

(a) For the northern California training center, the grant shall be awarded to the applicant which has demonstrated experience and expertise in administering a prevention training center and which has demonstrated the following:

(1) Provided training and ongoing technical assistance for the greatest number of primary prevention programs as defined in Section 18975.5 in school districts and preschool.

(2) Trained and employed the greatest number of trainers with experience in providing primary prevention programs.

(3) Employed trainers representing the cultural and geographical diversity of the service ara.

(b) For the southern California training center the grant shall be awarded to the applicant which demonstrates the following:

(1) Experience in child abuse prevention training.

(2) Capacity for training of primary child abuse prevention training programs as defined in Section 18976.

(3) Broad community support.

(4) Capability for developing staffing which represents the cultural diversity of their service area and a plan for developing this staff.

18978.2. The office shall distribute a standard request for proposal and shall select the primary prevention programs for each county through a

competitive bidding process. Grants for programs in each county shall be determined on a proportional basis according to the number of children in the schools, kindergarten through 12th grade, and in state-funded child development programs, except that allocations for primary prevention programs in any one county shall not be less than ten thousand dollars ($10,000) or any amount necessary to fund a primary prevention program, whichever is less.

The request for proposals shall include a plan by the applicant as to how its program will serve each child in the service area, including all of the following information:

(a) How many children will be served each year.

(b) How each school in the service area is to be served so that each child receives age-appropriate training once during preschool, and at least three times during a child's school career in grades kindergarten through 12.

(c) How multicultural staffing will be developed, including plans for the hiring and training of staff.

18978.3. In awarding grants for primary prevention programs, the office:

(a) May, in order to achieve economies of scale, designate service areas for grants that include more than one county provided, that an acceptable application is not submitted from a private nonprofit community organization that is located in the county to be served. The office may also designate more than one service area in large counties and counties with large school-age populations.

(b) Shall award grants only to those qualified applicants set forth below and in the following order of priority:

(1) Private, nonprofit, and public primary prevention programs with experience that meet the requirements of this chapter.

(2) Private, nonprofit, community organizations based in the county to be served.

(3) Public institutions based in counties which do not have qualified organizations as defined in paragraphs (1) and (2).

(4) Private, nonprofit community organizations in adjacent counties.

(5) Public institutions based in adjacent counties.

18978.4. (a) Requests for proposals shall be sent out by March 1, 1985, and at least 45-calendar days shall be allowed for the submission of proposals for the competitive bidding.

(b) Requests for proposals thereafter shall be sent out in time for the office to develop by October 1 of each year a proposed funding level for the purposes of this chapter.

18978.5. The office shall do all of the following:

(a) Prepare and execute grants with the successful applicants for the prevention training centers and primary prevention programs.

(b) Monitor and evaluate primary prevention programs and prevention training centers.

(c) Notify any local child abuse prevention council when a primary prevention program grant award has been made in its service area.

18978.6. The office shall administer this chapter.

18978.7. The director shall be authorized to the extent necessary to adopt regulations, orders, or standards of general application to implement, interpret, or make specific the provisions of this chapter.

18978.8. The director shall, within 60 days of the operative date of this

chapter, adopt regulations implementing the provisions of this chapter as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part I of Division 3 of Title 2 of the Government Code. For the purposes of Chapter 3.5 (commencing with Section 11340) of Part I of Division 3 of Title 2 of the Government Code, the adoption of the regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

Article 5. Fiscal Provisions

18979. Nothwithstanding Section 13340 of the Government Code, eleven million two hundred fifty thousand dollars ($11,250,000) is hereby appropriated from the General Fund to the office for the purposes of this chapter, to be allocated as follows:

(a) Eight hundred fifty thousand dollars ($850,000) for the establishment of prevention training centers and for administrative costs of the department, to be allocated for the period commencing January 1, 1985, and ending June 30, 1985, as follows:

(1) Four hundred eighty-seven thousand five hundred dollars ($487,500) for startup and operating of the prevention training centers, to be allocated as follows:

(A) Two hundred eighteen thousand seven hundred fifty dollars ($218,750) for the northern California prevention training center.

(B) Two hundred sixty-eight thousand seven hundred fifty dollars ($268,750) for the southern California prevention training center.

(2) Three hundred sixty-two thousand five hundred dollars ($362,500) for administrative costs of the department.

(3) Any unexpended allocations pursuant to this subdivision for the 1984-85 fiscal year shall be carried forward for the 1985-86 fiscal year.

(b) Ten million four hundred thousand dollars ($10,400,000) for the continuation of the prevention training centers, primary prevention programs, and administrative costs to be allocated for the 1985-86 fiscal year, as follows:

(1) Nine million five hundred thousand dollars ($9,500,000) for the operating costs of primary prevention programs.

(2) Seven hundred thousand dollars ($700,000) for the operating costs of the prevention training centers, to be allocated as follows:

(A) Three hundred thousand dollars ($300,000) for the northern California prevention training center.

(B) Four hundred thousand dollars ($400,000) for the southern California prevention training center.

(3) Two hundred thousand dollars ($200,000) for administrative costs of the department.

SEC. 4. (a) In order to develop a uniform and coordinated service delivery system and to insure that services are not duplicated, it is the intent of the Legislature that existing programs, as defined in Section 18975.7 of the Welfare and Institutions Code, be incorporated into, and receive continuation funding through, the provisions of this act. Commencing on July 1, 1985, any program operating on the effective date of this act which is otherwise eligible for funding for its activity shall receive subsequent appropriations through this act. These programs include, but are not limited to, programs funded pursuant to Sections

18962, 18963, and 18966 to 18971, inclusive, of the Welfare and Institutions Code.

(b) By October 1, 1984, the Office of Child Abuse Prevention shall develop a plan which includes each of the following: (1) identifies on a county-by-county basis existing programs as defined in Section 18975.7 of the Welfare and Institutions Code, their funding amounts, service areas and level of compliance with Section 18976 of the Welfare and Institutions Code; (2) compares current funding with amounts allocated through this act for each county and specifies a process by which each existing program is to be modified to conform to the programmatic and fiscal provisions of this act; (3) recommends necessary modifications for transitioning these programs into programs funded by this act which shall not result in disruption of the delivery of primary prevention training programs. Whenever possible, this transition will be done through the contract amendment process.

SEC. 5. Any funds that remain unallocated as a result of this transitioning of programs shall be rebid for other services and shall comply with all statutory provisions which govern their expenditure.

SEC. 6. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitutions and shall go into immediate effect. The facts constituting the necessity are:

In order to provide timely training to California's children to protect them from the increasing problem of child abuse and neglect, it is necessary that this act go into immediate effect.

(Assembly Bill No. 2443, CHAPTER 1638)

CHAPTER 4

HOW THE NATION'S LARGEST SCHOOL DISTRICTS DEAL WITH THE PROBLEM

The nation's largest school districts have pulled together a diverse range of programs to deal with the child abuse problem as they see it.

In Detroit, for example, a wave of sexual assaults last year spurred the development of crisis intervention teams and teacher training programs that are now expanding to tackle child neglect and other forms of abuse.

In Los Angeles, an ambitious teacher training program seeks to establish a cadre of skilled teachers in each school who can act as liaisons among local child welfare agencies, the central school administration, students and parents.

In New York City, a variety of programs aims to teach students "parenting" skills on the assumption that it's best to forestall abuse before you have to treat it.

The state laws that require school personnel to report suspected abuse in many cases have acted as catalysts for the development of training programs to help staff identify suspected abuse. Those programs in turn have led to others to aid students in resisting abuse and reporting abuse when it does happen.

While reporting suspected abuse is mandatory, few of the nation's largest school districts keep records on the number of reports filed, and fewer still on the results of those reports. In some cases, this is because state law makes child abuse investigations a confidential matter. In others, school systems simply have not compiled the statistics.

The following is a summary of the child abuse reporting laws and procedures and major prevention or training programs in place in eight of the nation's biggest school districts. Statistics on abuse reports are given when they could be obtained from school officials. Documents on the policies and programs of one district, Philadelphia, are reprinted at the end of the chapter. An outline of a model policy follows.

NEW YORK CITY

New York's Child Protective Services Act of 1973 requires that school personnel report all cases of suspected child abuse immediately. Good faith reports carry immunity from civil and criminal lawsuits. Reports are filed by teachers and other staff members with the school principal, who must then telephone the New York State Central Register for Child Abuse and Maltreatment.

After completing the oral report, the principal must file a written report in 48 hours with the Special Services for Children field office in the student's home borough. That office conducts the investigation.

The school district's central administration conducts several programs to help teachers and students combat abuse. Many of these programs are mainstreamed into the teacher training courses and conferences offered by the city.

At the city's annual teacher-training conference, for example, a session devoted to preventing and detecting child abuse is offered. A similar session is provided for guidance counselors.

The district also offered a one-day conference in 1984 on how to teach students "parenting" skills. "You can't talk about child abuse only in the negative. You've got to treat it in an affirmative way — to show kids how to be effective, loving, and caring parents," said Sylvia Schechter, director of health and physical education for the New York City schools.

In addition to the teacher training programs run by the central school district office, many of New York's 32 community school districts operate their own child abuse prevention programs.

For more information, contact: Sylvia Schechter, Director of Health and Physical Education, New York City Schools, 347 Baltic St., Brooklyn, NY 11201.

LOS ANGELES

Los Angeles educators are required to report child abuse to the chief administrators of their schools, who then must alert county child protective services authorities. They are protected from civil or criminal lawsuits under the mandatory reporting law, California Penal Code Sections 11165-11174.

In the district, an innovative program called CARE (Child Abuse: Recognize and Eliminate) seeks to increase the detection and reporting of abuse and to monitor how well students fare after treatment. The program, although only implemented on a small scale currently, has resulted in a tenfold increase in the number of child abuse reports in the schools with the program.

The heart of the CARE program is certified school personnel, such as teachers, counselors and administrators, who receive 24 hours of instruction in all aspects of child abuse and neglect. Teams of two persons per school are trained, and the School Child Abuse and Neglect, or SCAN, teams then give six hours of instruction on the basics of detection and reporting to all certified staffers at their home schools.

The SCAN teams also conduct seminars and workshops for noncertified school staff, parents and students. They also offer guidance to teachers who are uncertain about whether a child has been abused.

Once a report has been made, it's the SCAN team's responsibility to follow the case as it progresses through local health and law enforcement agencies. "We have none of our children lost in the program — they don't fall through the cracks," said Program Director Shayla Lever.

The SCAN teams are encouraged to develop personal rapport with law officers and social workers and to keep in touch with students, parents and the teacher who filed the original report. Without such feedback, teachers can feel their reports are for naught and may not file another one.

Reports filed by schools in the CARE program seem to be detecting child abuse at a much earlier stage than reports filed by the non-CARE schools. Only about 35 per cent of reports made by SCAN teams result in the child being taken into protective custody, while reports filed by other L.A. schools result in custody in about 65 percent of the time, according to Lever.

"It is thought that these [early] interventions help to put the parent back in control of his emotions so that his actions toward the child also remain in control and reasonable. Without the early intervention, the cycle of abuse begins to increase both in frequency and intensity and with each increase the actions become more difficult for the parent to interrupt or control," states a 1983-84 report on the CARE program.

The program was started five years ago as a joint venture between the California Department of Education and the school district. CARE officials hope to expand their program to every school in the district in the next three years, but say that limited funds may jeopardize that goal.

For more information, contact: Shayla Lever, CARE Program Director, Los Angeles Unified School District, Student Health Services, 450 N. Grand St., Los Angeles, Calif. 90012.

PHILADELPHIA

Like their colleagues in other Pennsylvania cities, teachers in the Philadelphia school system are required under Public Law 438, Act 124, to file a report with the state's Department of Human Services whenever they suspect a student has been abused. School personnel are protected from liability when making reports in good faith. The school building principal also must be contacted, according to district policy.

Philadelphia is one of the few large school districts that keeps figures on the number and type of abuse reports filed by school employees. Those figures show a 58 percent increase in reports during the six-year period from the 1977-78 school year to the 1983-84 school year. With two months left in the 1984-85 academic year, school officials had received 350 reports, compared with 418 received during all of the previous year.

The type of abuse has changed little since recordkeeping began. Reports of abuse comprise about 79 percent all reports filed, followed by cases of neglect, 10 percent to 14 percent, and cases of neglect and abuse, 2 percent to 4 percent. Report of sexual abuse make up about 6 percent of the cases reported.

In response to the state law, Philadelphia began its child abuse preven-

tion efforts with an educational program for school principals. The administrators were taught how to recognize symptoms of child abuse and learned the reporting procedures. They, in turn, educated school teachers with materials provided by the district.

The district also developed, in conjunction with the Philadelphia-based Temple University Law Center, an in-service teacher training program on child abuse. The program trains about 40 teachers per year.

The district's most visible program has been the year-long Child Abuse Prevention Campaign, a joint effort by the school district and state and local hospitals, social service departments and other agencies. In Philadelphia, the lead spokesman was superstar basketball player Julius "Dr. J." Irving of the Philadelphia 76ers. The campaign sponsored over 100 community meetings throughout the city in the 1982-83 school year with the theme of good parenting.

The school district also uses the services of two dramatic groups that put on performances to educate children about good and bad touching and where to turn to get help. One is the Children's Repertory Co., which puts on a "playlet" for children in the early grades, and the other is the puppet troupe, "Kids on the Block."

For more information, contact: Carol McKittrick, Assistant Director School Health Services, Philadelphia Board of Education, 21st Street S. of the Parkway, Philadelphia, Penn., 19103.

DETROIT

School personnel in Detroit are required to report suspected child abuse to their school principals, who must in 24 hours contact the Michigan Department of Social Services by telephone or in person about the case. A written report must follow in 72 hours. Confidentiality is guaranteed to reporters of abuse, except when the matter goes to court. Those who report in good faith are immune from criminal or civil liability. The law governing reporting is Act. No. 238, Public Acts of 1975.

In the 1983-84 school year, Detroit school staff made 65 reports.

The school system responded to an unprecedented number of sexual assaults on girls in late 1983 and early 1984 with the creation of its "Child Abuse/Sexual Assault Task Force."

"Although School Social Work personnel historically have intervened singly into the lives of children who have been the victims of abuse and/or assault, the thrust of the task force was directed toward impacting on a larger urban population," says the mission statement of the group.

According to that statement, the task force is working on inservice training for school social work staff on how to recognize and treat sexual abuse, so the staff may serve as a resource for other school employees.

A team of social workers also was organized to "respond to immediate community-based and parental information needs regarding sexual assault and safety techniques."

The school social work staff also is presenting workshops for students at all levels as well as parents.

For more information, contact: Mildred A. Ellis, Director, Department of School Social Work Services, Room 766, School Center Building, 5057 Woodward, Detroit, Mich. 48202.

HOUSTON

Houston school district staff are required under Section 34.01 of the Texas Family Code to report any cases of suspected child abuse to the state Department of Human Resources. Those making reports in good faith are provided with both civil and criminal immunity. Failing to report abuse is a misdemeanor offense.

Houston has several programs to address child abuse problems at all grade levels. Project SAFE (Safety Awareness For Everyone) is an elementary-level program that includes lessons and activities for students and parents that are conducted by the school guidance counselors.

The classroom activities include films to teach children to avoid potentially dangerous situations and to report incidents of abuse to adults. Handouts with tips on handling abuse problems are given to parents and children.

The WHO (We Help Ourselves) program uses trained community volunteers to teach children how to avoid becoming victims of abuse. The program, which has been presented to more than 65,000 students, is operated by the school district in conjunction with the Mental Health Association, the Department of Human Resources and a private foundation.

The WHO program, launched in 1982, was the first school program in the nation of its kind, according to Houston officials. It has been presented to pupils in preschool and kindergarten levels as well as in grades 1, 5, 8 and 10.

For more information, contact: Dr. Harriet Avery, Director of Special Services, Houston Independent School District, 3830 Richmond Ave., Houston, Texas, 77027.

HAWAII

Hawaii law HRS 3501.1(2) requires employees of any public or private school to report promptly cases of suspected child abuse or neglect to the Department of Social Services and Housing or the police department. The state Department of Education has developed a form that

school officials can use for filing such reports. Teachers also may make reports to the school's head administrator.

Reports filed under the law are kept confidential, and school officials are given immunity from liability if they make a report in good faith. Failure to report is a misdemeanor, punishable by imprisonment of up to one year and a fine of up to $500.

Statistics for the 1983-84 academic year show that 311 reports of suspected child abuse and neglect were made by school district employees. Most of the complaints, 238, alleged physical abuse. The next highest category was neglect, 42 complaints, followed by sexual and emotional abuse with less than 20 complaints each. More girls than boys, 172 as compared with 139, were the subject of reports.

The reporting statistics also show that fourth-grade children were most frequently suspected of being abused (42 reports), followed by 6th graders and kindergarten pupils (35 and 33 reports, respectively). High school students were the least likely to be abused, with fewer than 20 reports each in grades 9, 10, 11 and 12.

Hawaii's approach to combatting child abuse and neglect is to work with other state agencies in making presentations and counseling school employees and students. A school district official works full-time on these efforts.

For more information, contact: Beverly Lee, Department of Education-Family Court Liaison Officer, Department of Education, P.O. Box 2360, Honolulu, Hawaii 96804.

DALLAS

Section 34.01 of the Texas Family Code requires Dallas school employees, like their colleagues in Houston, to report suspected cases of child abuse to the Texas Department of Human Resources.

Those making reports in good faith are provided with both civil and criminal immunity. Failing to report abuse is a misdemeanor offense. School district policy also requires any employee making a report to notify the school principal, who then alerts the County Child Welfare Department.

In the 1978-79 school year, school employees filed 67 complaints, a figure that increased to 73 the following year and to 105 in the 1981-82 academic year. The number of reports declined to 85 in 1982-83, and to 72 last year.

School officials in counseling and physical education programs are available for consultation on child abuse problems, but there are no districtwide programs targeted specifically on child abuse, according to School Health Services Director Richard Adams.

For more information, contact Dr. Richard Adams, Director, School

Health Services, Dallas Independent School District, 3700 Ross Ave., Room 206, Dallas, Texas 755204.

BROWARD COUNTY, FLORIDA

All school employees in the Broward County system are required under State Statute 827.07 to report any suspected cases of child abuse. The name of the employee making the report may be released only to employees of the Florida Department of Health and Rehabilitative Services. Those who report in good faith are immune from civil and criminal liability.

Broward schools last year launched a Child Abuse Prevention Program staffed with three former social workers with special training in the treatment of child abuse. The team held training sessions for one teacher from each of Broward's 158 schools as well as training sessions for nonteaching personnel such as bus drivers and cafeteria workers.

The effort also supports a program for elementary school children that includes an in-class showing of the commercial film, "Better Safe Than Sorry," followed up by related activities and class discussion. School guidance counselors and teachers are provided with curriculum materials to follow up the initial one-hour session. About 19,000 of Broward's 124,000 students so far have participated in these sessions.

Broward schools also work in conjunction with the local Parent-Teacher Association to conduct parent workshops. The parent sessions focus on how to talk with children about abuse, how to report it, and the curriculum materials used by the schools to prevent abuse.

The school system has also contracted with "Kids on the Block," the commercial venture that has developed scripts and curriculum materials to be used by life-sized puppets who talk with elementary school students about abuse. The Broward County program, now in a pilot stage, involves high school drama students clothed in the puppet costumes who are trained to answer questions about neglect and abuse. An adult coordinator also attends the sessions to assist with questions.

For more information, contact: Carol Smith, Director, Student Welfare and Attendance Department, Broward County Schools, Fort Lauderdale, Fla., 33310.

Outline Of A Model Child Abuse And Neglect Policy For Schools

Policy	Procedures
Statement of School System Commitment To Maltreated Children and Families.	• Disseminate school board statement. • Define areas of child abuse and neglect. • Recognize parent feelings and rights.
Reporting Requirements That Reflect State Law.	• Publish legal requirements, with immunities and liabilities. • Provide in oral and written form. • Designate reporting responsibility. • Appoint an internal coordinator and outline specific procedural action. • Identify a feedback/follow-up system.
Inservice Training And Staff Development Programs.	• Appoint a training team. • Select training materials. • Plan a schedule of inservice events. • Offer education incentives.
Designation Of School Personnel To Collaborate With The Community Multi-Disciplinary Child Abuse And Neglect Case Consultation Team.	• Appoint a school representative/liaison on the case consultation team. • Designate school personnel who can be used in advisory capacity. • Specify attendance procedures for case-related personnel.
Identification of School/Community Resources As Support Services.	• Assess available resources. • Publish a list of service providers and programs with eligibility requirements. • Establish or utilize existing school-based teams for program planning.
Promotion of Primary Prevention Programs.	• Authorize schools to sponsor parent education programs. • Initiate a public awareness effort. • Designate school facilities to be used for family support services. • Develop parent education curriculum at secondary level.

*Source: **The Educator's Role In The Prevention And Treatment Of Child Abuse and Neglect**, U.S. Department of Health and Human Services, 1984.*

ONE DISTRICT'S EFFORTS AGAINST CHILD ABUSE
Philadelphia

The Philadelphia school district is one district that has chosen to attack child abuse from many different angles at once. What follows are some of the documents that provide a picture of Philadelphia's efforts.

Reprinted first are excerpts from a memo from the district's director of the division of school health services, Herbert Hazan, giving an overview of the district's activities.

Following are the district's procedures and policies as well as a question-and-answer guide to child abuse reporting by school personnel.

Last is a table showing the history of child abuse reporting by school personnel from the 1977-78 school year to the 1982-83 school year.

The documents were provided by the Philadelphia school district.

OVERVIEW

1. The School District has an ongoing Committee on Child Abuse/Neglect. . . . [R]eferring to it as the "School District" Committee is somewhat of a misnomer, since many members, including those who are most active, are not, in fact, School District employees.

2. The School District has policy and procedure guidelines. These appear in two places: the School Operations Manual . . . and the School Health Services Manual. These are the most widespread, being in use by school principals. The Health Services Manual is primarily used by School Nurses. Both versions are, essentially, the same. These guidelines are a major outcome of the work of the aforementioned Committee.

3. The School District has conducted Staff Development at many levels. This has included workshops with principals at their district meetings, presentations at school faculty meetings and the ongoing in-service course, again developed by the Committee, offered for in-service credit. This is a 45 hour course, offered for 3 in-service credits.

4. The School District has sponsored workshops and seminars on child abuse and neglect and on child sexual abuse. Programs on good parenting techniques involving non-violent discipline, have been given to the central Home & School Council, to District level Home & School Council meetings and to individual School Home & School Association meetings. A mini-conference on child abuse was held in the Board Room in February of 1981 and a seminar on Child Sexual Abuse in April of 1984.

5. The School District has, in concert with the City Welfare Department, co-sponsored the year long Child Abuse Prevention Campaign. This was "kicked-off" at the October, 1982 Conference on Child Abuse, which was

held in the auditorium of the Main Branch of the Free Library. The Honorary Chairperson of the Campaign was Julius Erving, who did several public service "spots" which appeared on T.V. Tobyann Boonin served as the "working" chairperson, and continues in that role. The Campaign sponsored over 100 community meetings throughout the City during 1982-83. The major theme of these meetings was, again, good parenting. Various techniques, including improvisational drama, were employed to get the message across. Other aspects of the campaign included the placing, on SEPTA subway cars, trolleys and buses, of signs which were produced by the students of Simon Gratz High School, informing the public of where to call to report suspected cases of child abuse/neglect.

6. In the area of helping children to protect themselves, the School District has utilized the services of the Children's Repertory Company, which put on performances of a playlet which teaches young children (grades 1-3) about good and bad touching, how to tell the difference between the two, and where to turn if they think they're being touched in bad ways. We also have, as part of the "Kids of the Block" puppet troupe, a puppet, Stephen Arthurs, who represents a child who is a victim of child abuse. There are four scripts involving Stephen.

7. The aforementioned committee first recommended that the School District abolish corporal punishment 3 years ago. The recent resolution was, in part, due to that effort, as well as to those of Mrs. Boonin.

8. Activities for the immediate future include:

A. Cooperating with the City, and provider agencies working in the area of services to abused children and their families, in the formation of a local chapter of the National Committee for the Prevention of Child Abuse.

B. The School District's committee will be investigating the possibility of recommending that the School District implement a curriculum on child sexual abuse.

C. The School District will, with the cooperation of the Archdiocese, present staff development for parochial school employees, along the same lines as that which was done for public school staff.

D. On September 5 of this year, before children return to school, the Division of School Health Services will conduct a one-day workshop for school health professionals (nurses, doctors, dental hygienists, dentists) on child abuse, neglect and child sexual abuse. This will be done in cooperation with Children's Hospital of Philadelphia, the City Welfare Department, the District Attorney's Office and Women Organized Against Rape. . . .

August 14, 1984, memo
Herbert Hazan, Director,
Division of School Health Services, to
Howard R. Amos, Deputy Superintendent,
School Operations

POLICIES AND PROCEDURES

Classification: Child Protective Services Law
Date Issued: October, 1982 (revised)
Number: 504.0

It is the policy of the School District of Philadelphia that all of its employees are to be aware of and comply with the Child Protective Services Law, P.L. 438, Act 124, 1975.

A. Under P.L. 438, Act 124, 1975, Section 11, as amended by S.B. 348, any person who in good faith, reports suspected child abuse "shall have immunity from any liability, civil or criminal, that might otherwise result from such action." The good faith of all persons required to report under the Act is presumed.

B. Under P.L. 438, Act 124, Section 12, any person who is required to report a case of suspected child abuse and fails to do so "shall be guilty of a summary offense, except that for a second or subsequent offense shall be guilty of a misdemeanor."

C. The privileged communication between any professional person required to report and his/her patient or client does not apply to situations involving child abuse and does not constitute grounds for failure to report suspected child abuse.

D. Persons Required to Report

1. School personnel, because of their sustained contact with school-age children, are in a position to identify children who may be abused or neglected.

2. Thus, School District employees are required to report suspected child abuse and/or neglect under P.L. 438, Act 124, 1975, Section 4.

E. Definitions contained in P.L. 438, Act 124, 1975.

1. **Abused Child:** A child under 18 years of age who exhibits evidence of serious physical or mental injury. This injury/abuse is not explained by the available medical history as being accidental, sexual abuse, or serious physical neglect, if caused by acts or omissions of the child's parent or a person responsible for the child's welfare.

2. **Serious Mental Injury**: A psychological condition, as determined by a psychiatrist, psychologist, or pediatrician apparently caused primarily by acts or omissions of a parent or person responsible for the child, including refusal of appropriate treatment.

a. This condition renders the child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that his/her life and/or safety is threatened.

b. **This condition makes it extremely likely that the child will become chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or be in reasonable fear that his/her life is threatened.**

c. This condition seriously interferes with the child's ability to accomplish age-appropriate developmental milestones, or school, peer and community tasks.

3. **Serious Physical Injury**: An injury caused primarily by acts or omissions of a parent or a person responsible for the child's welfare. These acts or omissions significantly jeopardize the child's safety, causes severe pain for the child, significantly impairs the child's physical functioning, either temporarily or permanently, or is accompanied by physical evidence of a continuous pattern of separate, unexplained injuries to the child.

4. **Serious Physical Neglect**: A prolonged or repeated abandonment of a child, not old enough to care for himself/herself, or a willful failure to provide essentials of life by parents or persons responsible for the child's welfare, resulting in a physical condition which endangers or impairs the child's life, development, or physical functioning.

5. **Sexual Abuse**: The obscene or pornographic photographing, filming or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution or other such forms of sexual exploitation of children.

F. Subpoena of School Personnel

School personnel having information regarding abuse and/or neglect of children may be subpoenaed, as required by law.

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Classification: Responsibility of Principal
Date Issued: September, 1981 (revised)
Number: 504.1

The principal, or person in charge of a School District facility, when informed of a suspected case of child abuse and/or neglect is to:

A. Complete a report of suspected child abuse and/or neglect; please refer to Section 504.4.

B. Refer the pupil to the school or program nurse. If the nurse is not present on the day when the pupil presents evidence of abuse and/or neglect, the principal or person in charge of the facility is to proceed with the referral and inform the nurse at their next visit.

• • •

Classification: Responsibilities of the School Nurse
Date Issued: September, 1981 (revised)
Number: 504.2

A referral of a suspected case of child abuse and/or neglect is to be explored by the school nurse.

A. The pupil is to be examined and interviewed.

B. The teacher, counselor and principal are to be consulted regarding the injury and/or neglect.

C. The existence of previous indices of possible abuse and/or neglect are to be checked.

D. Form M-100, "Nurse's Record," is to be completed with facts relevant to the situation and a note that State Form CY47, "Report of Suspected Child Abuse," has been filed.

E. The school nurse is to maintain a list in the special medical file of cases of suspected child abuse and/or neglect.

F. The school nurse is to make a referral to the counselor, if the pupil is not known to the counselor.

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Classification: Responsibilities of Home and School Visitor and Pupil Personnel Services Supervisor
Date Issued: September, 1981 (revised)
Number: 504.3

A. When child abuse and/or neglect is suspected by the home and school visitor, the Pupil Personnel Services Supervisor is to be informed immediately.

B. The Pupil Personnel Services Supervisor is to follow the procedures listed in Sections 504.1 and 504.4.

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Classification: Procedure for Reporting
Date Issued: December, 1983 (revised)
Number: 504.4

When informed of a case of suspected child abuse and/or neglect, the principal or person in charge of a facility is to:

A. Telephone the Pennsylvania Department of Public Welfare, Bureau of Child Welfare; CHILD LINE 1-800-932-0313.

1. Principal is to identify himself/herself.

2. Provide as much of the following information as possible:
   a. The names of the child and adults being reported
   b. The date, nature, and extent of the alleged child abuse and/or neglect
   c. The home addresses of persons in the report
   d. The age(s) of the child(ren) suspected of being abused and/or neglected
   e. The locality in which the alleged abuse and/or neglect occurred.

B. Telephone the Philadelphia County Children and Youth Agency, Intake Unit, at MU 6-6100. Provide the same information as given to the Pennsylvania Department of Public Welfare and any additional information requested.

C. Form CY 47, "Report of Suspected Child Abuse" with an accompanying letter if needed, is to be sent within 48 hours to:

Supervisor
Child Abuse Hotline (686-6247)
Phila. County Children & Youth Agency
900 City Hall Annex
Philadelphia, PA 19107

D. A copy of Form CY 47 and accompanying letter are to be forwarded to:

Assistant Director, School Health Services
21st and Parkway, Phila., PA 19103

E. Other copies of the CY 47 are not to be made or maintained in any file.

F. In the event that questions regarding the referrals persist after a report is filed, consult with either the Assistant Director of School Health Services (299-7463), Assistant Director of Counseling (299-7607), or the Legal Department (299-7678).

. . .

Classification: Notification of Parents
Date Issued: September, 1981 (Revised)
Number: 504.4

After the referral of a suspected case of child abuse and/or neglect is made, every effort must be made to notify the parents of the fact.

. . .

Classification: Cooperation with Child and Youth Agency Workers
Date Issued: October, 1982 (revised)
Number: 504.6

A. Properly identified caseworkers from the Philadelphia Children and Youth Agency (C & Y) may request the assistance and cooperation of school personnel, such as:

1. Releasing the pupil to the C & Y worker upon an order from a judge.

2. Arranging a private interview of the pupil, with the caseworker and pupil alone, on school premises.

3. Providing information in the pupil pocket to the C & Y worker.

B. Any questions regarding requests of caseworkers are to be referred to the Law Department.

C. The permission of parents is not required for the compliance of school personnel with C & Y.

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Classification: Early Childhood Programs
Date Issued: September, 1981 (revised)
Number: 504.7

A. In Early Childhood Programs: Get Set Day Care; Child Care Programs; Pre-Kindergarten Head Start, and Parent Cooperative Nursery Program, staff members are to report suspected cases of abuse/neglect to any of the following persons: head teacher; lead or resource teacher; caseworker; casework supervisors; social service coordinator; instructional coordinator, or nurse.

B. Procedures listed in section 504.4 are to be followed by the person receiving the report.

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Classification: Responsibilities of School Counselors
Date Issued: December, 1982
Number: 504.8

A referral of a suspected case of child abuse and/or neglect may be explored by the school counselor.

A. The pupil may be interviewed by the counselor.

B. The principal, teacher and counselor are to be consulted regarding the injury and/or neglect.

C. The counselor and school nurse are to work cooperatively and collaboratively to complete the referral.

D. The counselor may provide follow-up counseling service to the pupil and/or the family if indicated.

QUESTIONS AND ANSWERS

This information was prepared for use by school district administrators who will be conducting child abuse educational programs for their staff. Compiled in these pages are answers to questions which are asked most often by staff. A review of this material in advance will enable persons conducting child abuse programs in their schools to respond accurately. Prepared by: Andrew Rosen, Esq., Assistant Counsel, School District of Philadelphia, and Carol McKittrick, R.N., Assistant Director, School Health Services.

WHAT IS THE CHILD ABUSE LAW?

The findings and purpose of the child protective services law (P.L. 438, Act 124, 1975) are as follows:

"To encourage more complete reporting of suspected child abuse and to establish in each county a child protective service capable of investigating such reports swiftly and competently, providing protection for children from further abuse and providing rehabilitative services for children and parents involved so as to ensure the child's well-being and to preserve and stabilize family life wherever appropriate."

WHAT ARE THE SIGNS OF ABUSE AND/OR NEGLECT?

Use film strip, "What The Educator Sees." This film is available for loan through the Office of School Nurse Service, 299-7463.

Use SCAN booklet, "Child Abuse — A Basic Information Outline."

WHAT/WHO IS A MANDATED REPORTER?

Any persons who, in the course of their employment, occupation, or practice of their profession come into contact with children shall report or cause a report to be made in accordance with section 6.1 when they have reason to believe, on the basis of their medical, professional or other training experience, that a child coming before them in their professional or official capacity is an abused child.

All school personnel because of their sustained contact with school age children are mandated reporters under the law and must report suspected cases of child abuse.

WHAT IS THE RESPONSIBILITY OF THE PRINCIPAL?

(a) To make, or cause to be made, a report of suspected child abuse and/or neglect.

(b) To refer the pupil to the nurse. If the nurse is not present, the principal shall proceed with the referral and inform the nurse upon the latter's return.
(c) To notify the parent(s) that a referral to the Children and Youth Agency has been made, after such referral has taken place.
(d) To consult with the teacher and counselor to establish the history of the present injury and/or neglect.
(e) To inform school staff of their responsibility under the act.

WHAT IS THE RESPONSIBILITY OF THE TEACHER?

The teacher who suspects that a pupil is abused or neglected must notify the principal.

The teacher should be available for consultation with school staff, parents, and the children and youth caseworker, to offer assistance and relevant information.

WHAT IF I DON'T HAVE ANY PROOF THAT THE CHILD HAS BEEN ABUSED OR IF I THINK THE CHILD IS LYING?

Formal proof is not required prior to making a referral. Objective indicators such as unexplained or suspicious bruises or drastic changes in behavior can be enough to give rise to a suspicion of child abuse. The mandated reporter does not have to observe the injuries being inflicted in order to make a referral. Workers from the Children and Youth Agency will determine if a report is indicated.

IF THIS IS THE FIRST TIME I HAVE OBSERVED SUSPICIOUS INJURIES, MUST I MAKE A REFERRAL?

Yes! Every child has a right to be free from abuse and neglect and every school district employee must report every suspected case of abuse. A prompt report may save a life.

WHY CAN'T I TRY TO WORK WITH THE PARENT OR GUARDIAN AND GIVE THEM A SECOND CHANCE?

A report to the Children and Youth Agency is not a means of punishment, it is a way of getting help to a family that needs it.

WHEN DO I HAVE TO REPORT?

A referral must be made every time you have a suspicion that a child is the victim of child abuse or negligence.

TO WHOM DO I REPORT?

Any person not in charge of a school or other school district facility must report any suspected case of child abuse or neglect to the person in charge. Principals and persons in charge must report any suspected case of child abuse or cause such report to be made to the child abuse

hotline (1-800-932-0313) and to the Children and Youth Agency (MU-6-6100). The principal or person in charge must also see that the CY-47 is filed with the Children and Youth Agency and with School Nurse Services, Room 116, School District Administration Building. No other copy of the CY-47 shall be maintained.

Principals or persons in charge can accept the suspicions of any mandated reporter as their own without fear of losing their immunity.

CAN I CALL SOME OTHER AGENCY INSTEAD?

No — although there are service agencies in the community for abusive parents, e.g., CAPE, they cannot be called **instead** of the Children and Youth Agency. This is because the law provides that the Children and Youth Agency is the **only** agency to which reports can be made.

WHO SHOULD SIGN THE CY-47?

It is hoped that the employee who had the original suspicion of child abuse will sign the CY-47. However, once the suspicion is relayed to the principal or person in charge, it becomes their duty to see that the CY-47 is filed. If necessary, this means signing the CY-47 themselves.

WHY CAN'T I KEEP A COPY OF THE CY-47?

All documents filed in a child abuse case are confidential. Therefore, a copy of the CY-47 kept at the school could be seen by unauthorized persons. This could open the school district and its employees to civil liability. Since we report only suspected cases of abuse, we do not always know the final outcome of the case. It does not behoove us to keep a copy of an unfounded report in the school.

WHAT HAPPENS AFTER I MAKE A REPORT?

The Children and Youth Agency will contact the parents to set up an appointment to see them. The name of the person who made report will not be revealed; however, parents may be told that the report came from the school. (This is one reason why it is more productive for you to notify parents that you have made a referral).

(The investigation by C & Y is to begin within 48 hours after the referral, although that is not always possible.)

The caseworker may call you for additional information. You should be cooperative. The law permits you to reveal information to C & Y.

WHY DO I HAVE TO NOTIFY THE PARENT THAT I HAVE MADE A REFERRAL?

The purpose of a referral to the Children and Youth Agency is to obtain help for a family. Parents do not move away, or otherwise vanish, after a

referral has been made. Although they may express anger when you call, at least you will have been honest with them and they will not be shocked when the Children and Youth Agency contacts them. If you don't call them, most parents feel you have done something "behind their backs."

This phone call also provides an opportunity for you to let the parent know that you care about them and their children and to offer any kind of support the school can provide, e.g., counseling, lunch programs, etc. It gives you a chance to be sympathetic to the needs of the parent.

It is also helpful to explain to parents that your referral doesn't mean that you think they are not good parents, but rather that there seems to be a situation which indicates some help is needed and the law requires you to make this referral.

Notification to the parent that a referral has been made is important in maintaining a good relationship with the parent and the community.

WHAT IF I HAVE A SPECIAL ED. STUDENT, AGE 18 OR ABOVE, WHOM I SUSPECT IS ABUSED OR NEGLECTED?

The child abuse law does not include children 18 or above. However, you can refer them to:

Adult, Aging Services MU-6-5671

I HAVE REPORTED CHILD ABUSE BEFORE AND NOTHING EVER HAPPENED, SO WHY SHOULD I WASTE MY TIME?

The fact that a previous report did not produce the results hoped for by the reporter is no justification for failing to report another suspected case of child abuse. The best policy is to contact the caseworker assigned and ask him or her the status of the case.

WHAT CAN I DO IF I DON'T THINK ANYTHING IS BEING DONE BY THE CHILDREN AND YOUTH AGENCY?

You can call to speak to the caseworker.

If you are not satisfied, you can speak with the caseworker's supervisor.

If you are still not satisfied, consult with the supervisor of School Nurse Services, (299-7463), Assistant Director of Counseling (299-7607), or the Legal Department, (299-7678).

IS THE CHILDREN AND YOUTH AGENCY CASEWORKER PERMITTED TO COME TO SCHOOL TO INTERVIEW STUDENTS ON WHOM A REFERRAL HAS BEEN MADE?

Yes. Must I notify the parents? No.

WHAT SHOULD I DO IF A STUDENT REQUESTS THAT I NOT MAKE A REPORT?

Gently, but firmly, explain to the student that the law says you must make a report: that the purpose is to help the student and his parents find ways to handle problems. Explain to him/her what will happen.

Never criticize the parent or guardian.

Never report without telling the student.

SUPPOSING I HAVE A STUDENT WHO WILL BE IN FURTHER JEOPARDY BY GOING HOME FROM SCHOOL?

Call MU-6-6100 immediately and explain the urgency of the situation. If time and circumstances permit someone will come to school and take the student into protective custody. If this is not possible, you may be asked to take the student to City Hall Annex.

Other emergency shelters (for adolescents) are:

Voyage House (963-0344)
Youth Emergency Service (925-8886)

WILL I HAVE TO GO TO COURT?

Probably not. Only about 2% of all reported cases go to court. If you are required to go to court you will be subpoenaed. At such time you will be able to review the CY-47 which had been filed.

CAN I INVITE SPEAKERS TO THE SCHOOL?

Schools are not to invite speakers on child abuse who have not been approved by the school district's health services or legal department.

CAN I BE SUED?

It is possible for a school district employee to be sued because he or she caused a referral to be made. However, any person who in good faith reports suspected child abuse "shall have immunity from any liability, civil or criminal that might otherwise result from such action." The good faith of all "mandated reporters" is presumed. All school district employees are mandated reporters.

On the other hand, "mandated reporters" who willfully fail to report a suspected case of child abuse "shall be guilty of a summary offense, except that for a second or subsequent offense shall be guilty of a misdemeanor."

Child Abuse Reporting
By Philadelphia School District Personnel
1977-78 To 1982-83

Year	Abuse		Neglect		Abuse and Neglect		Sexual Abuse		Total	
	number	percent	number	percent	number	percent	number	percent	number	percent
1977-1978	211	79.6	27	10.2	11	4.2	16	6.0	265	100
1978-1979	193	81.1	23	9.7	13	5.5	9	3.8	238	100.1
1979-1980	177	71.7	32	13.0	21	8.5	17	6.9	247	100.1
1982-1983	272	78.4	49	14.1	7	2.0	19	5.5	347	100
Totals	853	77.9	131	11.9	52	4.7	61	5.6	1,097	100

Source: School District of Philadelphia, Division of School Health Services

A FINAL WORD

There is no denying that child abuse is a hot topic. But the problem existed before now and it certainly will continue to exist after it leaves the glare of publicity.

"Everyone has the problem, whether they want to admit it or not," says Elsa Wasserman, who heads the Cambridge, Mass., child abuse program. Some school districts are still "lying in the sun" and haven't faced up to the problem, she says.

Cynthia Crosson Tower, a child abuse expert and author of the National Education Association's multi-media program on abuse, sees that fact changing. Some schools are beginning to see the need" and others are "getting a little nervous about not seeing the need," she says.

Diane Broadhurst, author of a government manual for schools on child abuse, also has seen the increased activity. "A lot more school systems are trying to develop" new programs.

The picture is a little brighter even in the eyes of Kathern Bond, information specialist with the American Humane Association, who's worked in the field for 28 years. There is more interest in supporting services to protect children and more public awareness of the problem, she says. "At least I can see some improvement."

The publicity has had its downside. Teachers are fearful because the kids have been caught up in all the attention to abuse, according to Roger Barrett, staff attorney for the Minnesota Education Association. "Many believe,'I don't dare touch a kid' because of the climate."

A recent "TRB" column in *The New Republic* by Michael Kinsley criticized both the media play and the legislative hoopla. Kinsley told of an editor at *Newsweek* looking at the magazine's cover story on child abuse and predicting that within a year *Newsweek* will write about the "child abuse backlash."

That backlash may already be happening as editors search for the fresh angle — the story of the unjustly accused or the tale of a child out to make trouble — on a topic that they know sells newspapers.

But that is where schools again come in. The problem is real, and as Tower puts it, schools "are the most natural place to start" to combat the problem. Just as child abuse didn't begin in 1984 or 1985, neither will it end now. The momentum for support exists in state legislatures and at the local level, and schools have got to ride the wave.

RESOURCES

The Field of child maltreatment is awash with information. What follows are some of the many organizations that collect and distribute information on the problem and/or provide direct services to schools or families.

Adam Walsh Resource Center
Mercedes Executive Park
Park View Building, Suite 306
1876 N. University Dr.
Fort Lauderdale, Fla. 33322
(305)475-4847

American Federation of Teachers, AFL-CIO
555 New Jersey Ave. NW
Washington, D.C. 20001
(202)879-4507

The American Humane Association
P.O. Box 1266
Denver, Colo. 80201
(303)695-0811

Boys Town, Communications and Public Service Division
Boys Town, Neb. 68010
(402)498-1111

Child Assault Prevention Program
P.O. Box 02084
Columbus, Ohio 43202
(614)291-2540

C. Henry Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect
1205 Oneida St.
Denver, Colo. 80220
(303)321-3963

Child Care Law Center
625 Market St. #815
San Francisco, Calif. 94105
(415)495-5498

Child Welfare League of America
67 Irving Pl.
New York, N.Y. 10003
(212)254-7410

Children's Defense Fund
122 C St. NW
Washington, D.C. 20001
(202)628-8787

Illusion Theater
304 North Washington Ave.
Minneapolis, Minn. 55401
(612)339-4944

National Association of Counsel for Children
1205 Oneida St.
Denver, Colo. 80220
(303)321-3963

The National Center for Missing & Exploited Children
1835 K St. NW, Suite 700
Washington, D.C. 20006
(202)634-9821

National Center on Child Abuse and Neglect
Children's Bureau, Administration for Children, Youth and Families
U.S. Department of Health and Human Services
P.O. Box 1182
Washington, D.C. 20013
(202)245-2840

National Clearinghouse on Child Abuse and Neglect Information
(301)251-5157

National Child Abuse Coalition
1125 15th St. NW, Suite 300
Washington, D.C. 20007
(202)293-7550

National Coalition Against Domestic Violence
1500 Massachusetts Ave. NW
Suite 35
Washington, D.C. 20005
(202)347-7017

National Committee for Citizens in Education
410 Wilde Lake Village Green
Columbia, Md. 21044
(301)997-9300

National Committee for Prevention of Child Abuse
332 S. Michigan Avenue
Suite 1250
Chicago, Illinois 60604
(312)663-3520

National Council on Child Abuse and Family Violence
Washington Square
1050 Conn. Ave. NW
Suite 300
Washington, D.C. 20036
(202)429-6695

National Crime Prevention Council
805 15th St. NW
Room 718
Washington, DC. 20005
(202)393-7141

National Education Association
1201 16th St. NW
Washington, D.C. 20036
(202)833-4000

National Legal Resource Center for Child Advocacy and Protection
American Bar Association
1800 M St. NW
Washington, D.C. 20036
(202)331-2250

National PTA
700 N. Rush St.
Chicago, Ill. 60611
(312)787-0977

Parents Anonymous
22330 Hawthorne Blvd.
Suite 208
Torrance, Calif. 90505
(213)371-3501

Parents United, Inc.
P.O. Box 952
San Jose, Calif. 35102
(408)280-5055

Society's League Against Molestation
P.O. Box 33954
Washington, D.C. 20033
(202)686-9066

Local chapters of the National Committee for Prevention of Child Abuse (NCPCA)

NCPCA Southcentral Alaska Chapter
1504 P St.
Anchorage, AK 99501

NCPCA North Alabama Chapter
P.O. Box 119
Decatur, AL 35602

NCPCA Greater Alabama Chaper
P.O. Box 2638
Anniston, AL 36202

NCPCA California Chapter
1401 3rd St., # 12
Sacramento, CA 95814

NCPCA Connecticut Chapter
110 Main St.
Manchester, CT 06040

NCPCA Denver Chapter
P.O. Box 18931
Denver, CO 80218

NCPCA District of Columbia Chapter
1690 36th St.
Washington, DC 20007

NCPCA Delaware Chapter
124 D Senatorial Dr.
Wilmington, DE 19807

NCPCA Georgia Chapter
120 Copeland Rd., N.E.
Suite B-8
Atlanta, GA 30342

NCPCA Hawaii Chapter
250 S. Hotel St.
Honolulu, HI 96813

NCPCA Idaho Chapter
P.O. Box 531
Twin Falls, ID 83301

NCPCA Quad Cities Chapter
525 16th St.
Moline, IL 61265

NCPCA Indiana Chapter
P.O. Box 2867
Indianapolis, IN 46206

NCPCA Iowa Chapter
3701 1/2 Douglas Ave.
Des Moines, IA 50310

NCPCA Kansas Chapter
435 S. Kansas, 2nd Floor
Topeka, KS 66603

NCPCA Kentucky Chapter
P.O. Box 1625
Louisville, KY 40201

NCPCA Southeastern Louisiana Chapter
P.O. Box 30806
New Orleans, LA 70190

NCPCA Michigan Chapter
3332 Christine Dr.
Lansing, MI 48910

NCPCA Greater Jackson Chapter
714 N. State St.
Jackson, MS 39201

NCPCA Jones County Chapter
P.O. Box 1986
Laurel, MS 39440

NCPCA Minnesota Chapter
123 E. Grant St., #612
Minneapolis, MN 55403

NCPCA Missouri Chapter
847 S. Pickwick
Springfield, MO 65804

APPENDIX A

Some "Dos And Don'ts" Of Interviewing

When Talking With the Child

Do:

- Make sure the interviewer is someone the child trusts
- Conduct the interview in private
- Sit next to the child, not across a table or desk
- Tell the child that the interview is confidential
- Conduct the interview in language the child understands
- Ask the child to clarify words/terms which are not understood
- Tell the child if any future action will be required

Don't:

- Allow the child to feel "in trouble" or "at fault"
- Disparage or criticize the child's choice of words or language
- Suggest answers to the child
- Probe or press for answers the child is unwilling to give
- Display horror, shock, or disapproval of parents, child, or the situation
- Force the child to remove clothing
- Conduct the interview with a group of interviewers
- Leave the child alone with a stranger (e.g., a CPS worker)

When Talking With the Parents

Do:

- Select interviewer(s) appropriate to the situation
- Conduct the interview in private
- Tell the parent(s) why the interview is taking place
- Be direct, honest and professional
- Reassure the parents of the support of the school
- Tell the parents if a report has been made or will be made
- Advise the parent(s) of the school's legal responsibilities to report

Don't:

- Try to "prove" abuse or neglect by accusations or demands
- Display horror, anger, of disapproval or parent(s), child or situation
- Pry into family matters unrelated to the specific situation
- Place blame or make judgments about the parent(s) or child

Source: **The Educator's Role in the Prevention and Treatment of Child Abuse and Neglect.** *U.S. Department of Health and Human Services, 1984*

APPENDIX B

Physical And Behavioral Indicators Of Child Abuse And Neglect

Type	Physical Indicators	Behavioral Indicators
Physical Abuse	Unexplained bruises and welts: • on face, lips, mouth • on torso, back, buttocks, thighs • in various stages of healing • clustered, forming regular patterns • reflecting shape of article used to inflict (electric cord, belt buckle • on several different surface areas • regularly appear after absence, weekend or vacation	Wary of adult contacts Apprehensive when other children cry Behavioral extremes • aggressiveness, or • withdrawal Frightened of parents Afraid to go home Reports injury by parents
	Unexplained burns: • cigar, cigarette burns, especially on soles, palms, back or buttocks • immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia) • patterned like electric burner, iron, etc. • rope burns on arms, legs, neck or torso	
	Unexplained fractures: • to skull, nose, facial structure • in various stages of healing • multiple or spiral fractures	
	Unexplained lacerations or abrasions: • to mouth, lips, gums, eyes • to external genitalia	
Physical Neglect	Consistent hunger, poor hygiene, inappropriate dress	Begging, stealing food Extended stays at school (early arrival and late departure)
	Consistent lack of supervision, especially in dangerous activities or long periods Unattended physical problems or medical needs Abandonment	Constant fatigue, listlessness or falling asleep in class Alcohol or drug abuse Delinquency (e.g. thefts) States there is no caretaker
Sexual Abuse	Difficulty in walking or sitting Torn, stained or bloody underclothing Pain or itching in genital area Bruises or bleeding in external genitalia, vaginal or anal areas Venereal disease, especially in pre-teens Pregnancy	Unwilling to change for gym or participate in physical education class Withdrawal, fantasy or infantile behavior Bizarre, sophisticated, or unusual sexual behavior or knowledge Poor peer relationships Delinquent or run away Reports sexual assault by caretaker

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Physical And Behavioral Indicators Of Child Abuse And Neglect

Type	Physical Indicators	Behavioral Indicators
Emotional Maltreatment	Speech disorders Lags in physical development Failure-to-thrive	Habit disorders (sucking, biting, rocking, etc.) Conduct disorders (antisocial, destructive, etc.) Neurotic traits (sleep disorders, inhibition of play) Psychoneurotic reactions (hysteria, obsession, compulsion, phobias, hypochondria) Behavioral extremes: • compliant, passive • aggressive, demanding Overly adaptive behavior: • inappropriately adult • inappropriately infant Developmental lags (mental, emotional) Attempted suicide

Source: The Educator's Role in The Prevention and Treatment of Child Abuse and Neglect, *U.S. Department of Health and Human Services, 1994*

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APPENDIX C

WHERE AND HOW TO REPORT CHILD ABUSE

Alabama:
Alabama Department of Pensions and Security
64 North Union Street
Montgomery, Alabama 36130
(205)261-3409

Reports made to County 24-hour emergency telephone services.

Alaska:
Department of Health and Social Services
Division of Family and Youth Services
Pouch H-05
Juneau, Alaska 99811
(907)465-2105

Reports made to Division of Social Services field offices.

American Samoa:
Government of American Samoa
Office of the Attorney General
Pago Pago, American Samoa 96799

Reports made to the Department of Medical Services.

Arizona:
Department of Economic Security
P.O. Box 6123
Phoenix, Arizona 85005
(602)255-4791

Reports made to Department of Economic Security local offices.

Arkansas:
Arkansas Department of Human Services
Social Services Division
P.O. Box 1437
Little Rock, Arkansas 72203

Reports made to the statewide toll-free hotline (800)482-5964.

California:
Department of Social Services
714-744 P Street
Sacramento, California 95814

Reports made to County Departments of Welfare and the Central Registry of Child Abuse (916) 445-7546 maintained by the Department of Justice.

Colorado:
Department of Social Services
1575 Sherman Street
Denver, Colorado 80203
(303)534-0460

Reports made to County Departments of Social Services.

Connecticut:
Connecticut Department of Children and Youth Services
Division of Children and Youth Services
170 Sigourney Street
Hartford, Connecticut 06105

Reports made to (800)842-2288.

Delaware:
Delaware Department of Health and Social Services
Division of Social Services
P.O. Box 309
Wilmington, Delaware 19899

Reports made to statewide toll-free reporting hotline (800)292-9582.

District of Columbia:
District of Columbia Department of Human Services
Commission on Social Services
Family Services Administration
Child Protective Services Division
First and I Streets, S.W.
Washington, D.C. 20024

Reports made to (202)727-0995.

Florida:
Florida Department of Health and Rehabilitative Services
1317 Winewood Boulevard
Tallahassee, Florida 32301

Reports made to (800)342-9152.

Georgia:
Georgia Department of Human Resources
47 Trinity Avenue, S.W.
Atlanta, Georgia 30334
(404)894-4396

Reports made to County Departments of Family and Children Services.

Guam:
Child Welfare Services
Child Protective Services
P.O. Box 2816
Agana, Guam 96910

Reports made to the State Child Protective Services Agency at (011-671)646-8417.

Hawaii:
Department of Social Services and Housing
Public Welfare Division
Family and Children's Services
P.O. Box 339
Honolulu, Hawaii 96809
(808)548-5963

Reports made to the hotline operated by Kapiolani-Children's Medical Center on Oahu, and to branch offices of the Division of Hawaii, Maui, Kauai, Mokalai.

Idaho:
Department of Health and Welfare
Child Protection Division of Welfare
Statehouse
Boise, Idaho 83702
(208)334-2495

Reports made to Department of Health and Welfare Regional Offices.

Illinois:
Illinois Department of Children and Family Services
State Administrative Offices
One North Old State Capitol Plaza
Springfield, Illinois 62706

Reports made to (800)25-ABUSE.

Indiana:
Indiana Department of Public Welfare
Division of Child Welfare-Social Services
141 South Meridian Street, 6th Floor
Indianapolis, Indiana 46225
(317)232-4956

Reports made to County Departments of Public Welfare.

Iowa:
Iowa Department of Social Services
Division of Community Programs
Hoover State Office Building
Fifth Floor
Des Moines, Iowa 50319

Reports made to the legally mandated toll-free reporting hotline (800)362-2178.

Kansas:
Kansas Department of Social and Rehabilitation Services
Division of Social Services
Child Protection and Family Services Section
Smith-Wilson Building
2700 West Sixth
Topeka, Kansas 66606
(913)296-3774

Reports made to Department of Social and Rehabilitation Services Area Offices.

Kentucky:
Kentucky Department for Human Resources
275 East Main Street
Frankfort, Kentucky 40621
(502)564-2336

Reports made to County Offices within 4 regions of the State.

Louisiana:
Louisiana Department of Health and Human Resources
Office of Human Development
Baton Rouge, Lousiana 70804
(504)342-2297

Reports made to the parish protective service units.

Maine:
Maine Department of Human Services
Human Services Building
Augusta, Maine 04333

Reports made to Regional Office or to State Agency at (800)452-1999.

Maryland:
Maryland Department of Human Resources
Social Services Administration
300 W. Preston Street
Baltimore, Maryland 21201
(301)234-2222

Reports made to County Departments of Social Services or to local law enforcement agencies.

Massachusetts:
Massachusetts Department of Social Services
Protective Services
150 Causeway Street
Boston, Massachusetts 02114
(617)727-0900

Reports made to Regional Offices.

Michigan:
Michigan Department of Social Services
300 S. Capitol Avenue
Lansing, Michigan 48926
(517)887-9400

Reports made to County Departments of Social Welfare.

Minnesota:
Minnesota Department of Public Welfare
Centennial Office Building
St. Paul, Minnesota 55155
(612)298-5351

Reports made to the County Departments of Public Welfare.

Mississippi:
Mississippi Department of Public Welfare
Division of Social Services
P.O. Box 352
Jackson, Mississippi 39216

Reports made to (800)222-8000.

Missouri:
Missouri Department of Social Services
Division of Family Services
Broadway Building
Jefferson City, Missouri 65101

Reports made to (800)392-3728.

Montana:
Department of Social and Rehabilitative Services
Social Services Bureau
P.O. Box 4210
Helena, Montana 59601
(406)444-3860

Reports made to County Departments of Social and Rehabilitation Services.

Nebraska:
Nebraska Department of Public Welfare
301 Centennial Mall South
5th Floor
Lincoln, Nebraska 68509
(402)471-3121

Reports made to local law enforcement agencies or to County Divisions of Public Welfare.

Nevada:
Department of Human Resources
Division of Welfare
251 Jeanell Drive
Carson City, Nevada 89710
(702)885-4760

Reports made to Division of Welfare local offices.

New Hampshire:
New Hampshire Department of Health and Welfare
Division of Welfare
Bureau of Child and Family Services
Hazen Drive
Concord, New Hampshire 03301
(603)224-5500

Reports made to Division of Welfare District Offices.

New Jersey:
New Jersey Division of Youth and Family Services
P.O. Box 510
One South Montgomery Street
Trenton, New Jersey 08625

Reports made to (800)792-8610. District Offices also provide 24-hour telephone service.

New Mexico:
New Mexico Department of Human Services
P.O. Box 2348
Santa Fe, New Mexico 87503

Reports made to County Social Services Offices or to (800)432-6217.

New York:
New York Department of Social Services
Child Protective Services
40 North Pearl Street
Albany, New York 12207

Reports made to (800)342-3720 or to District Offices.

North Carolina:
North Carolina Department of Human Resources
Division of Social Services
325 North Salisbury Street
Raleigh, North Carolina 27611
(919)733-4261

Reports made to County Departments of Social Services.

North Dakota:
North Dakota Department of Human Services
Social Services Division
Children and Family Services Unit
Child Abuse and Neglect Program
Russel Building, Hwy. 83 North
Bismarck, North Dakota 58505
(701)224-2318

Reports made to Board of Social Services Area Offices and to 24-hour reporting services provided by Human Service Centers.

Ohio:
Ohio Department of Public Welfare
Bureau of Children Services
30 E. Broad Street
Columbus, Ohio 43215
(614)466-7987

Reports made to County Departments of Public Welfare.

Oklahoma:
Oklahoma Department of
Institutions, Social and
Rehabilitative Services
Division of Social Services
P.O. Box 25352
Oklahoma City, Oklahoma 73125

Reports made to (800)522-3511.

Oregon:
Department of Human Resources
Children's Services Division
Protective Services
509 Public Services Building
Salem, Oregon 97310

Reports made to local Children's
Services Division Offices and to
(503)378-3016.

Pennsylvania:
Pennsylvania Department of
Public Welfare
Office of Children, Youth and
Families
Bureau of Family and Community
Programs
1514 North 2nd Street
Harrisburg, Pennsylvania 17102

Reports made to the toll-free
CHILDLINE (800)932-0313.

Puerto Rico:
Puerto Rico Department of
Social Services
Services to Families with Children
P.O. Box 11398
Fernandez Juncos Station
Santurce, Puerto Rico 00910
(809)722-7400

Reports made to local offices or to
the Department.

Rhode Island:
Rhode Island Department for
Children and Their Families
610 Mt. Pleasant Avenue
Providence, Rhode Island 02908

Reports made to State agency
child protective services unit at
(800)662-5100 or to District Offices.

South Carolina:
South Carolina Department of
Social Services
P.O. Box 1520
Columbia, South Carolina 2920
(803)758-8460

Reports made to County Depar
ments of Social Services.

South Dakota:
Department of Social Services
Office of Children, Youth and
Family Services
Richard F. Kneip Building
Pierre, South Dakota 57501
(605)773-3227

Reports made to local offices.

Tennessee:
Tennessee Department of
Human Services
State Office Building
Room 410
Nashville, Tennessee 37219
(615)366-1702

Reports made to County Depart-
ments of Human Services.

Texas:
Texas Department of Human
Resources
Protective Services for Children
Branch
P.O. Box 2960
Austin, Texas 78701

Reports made to (800)252-5400.

Utah:
Department of Social Services
Division of Family Services
150 West North Temple, Room 370
P.O. Box 2500
Salt Lake City, Utah 84103
(800)533-5094

Reports made to Division of Family Services District Offices.

Vermont:
Vermont Department of Social and Rehabilitative Services
Social Services Division
103 South Main Street
Waterbury, Vermont 05676

Reports made to State agency at (802)828-3422 or to District Offices (24-hour services).

Virgin Islands:
Virgin Islands Department of Social Welfare
Division of Social Services
P.O. Box 500
Charlotte Amalie
St. Thomas, Virgin Islands 00801
(809)774-0930

Reports made to the Division of Social Services.

Virginia:
Virginia Department of Welfare
Bureau of Family and Community Programs
Blair Building
8007 Discovery Drive
Richmond, Virginia 23288

Reports made to (800)552-7096 in Virginia, and (804)281-9081 outside the State.

Washington:
Department of Social and Health Services
Community Services Division
Child Protective Services
Mail Stop OB 41-D
Olympia, Washington 98504
(206)753-7039

Reports made to local Social and Health Services Offices.

West Virginia:
Department of Welfare
Division of Social Services
Child Protective Services
State Office Building
1900 Washington Street E.
Charleston, West Virginia 25305

Reports made to (800)352-6513.

Wisconsin:
Wisconsin Department of Health and Social Services
Division of Community Services
1 West Wilson Street
Madison, Wisconsin 53702
(608)266-3681

Reports made to County Social Services Office.

Wyoming:
Department of Health and Social Services
Division of Public Assistance and Social Services
Hathaway Building
Cheyenne, Wyoming 82002
(307)777-7921

Reports made to County Departments of Public Assistance and Social Services.

APPENDIX D

Selected Offerings from the *Catalogue of Material*, January 1985, for the Clearinghouse on Child Abuse and Neglect Information

During the past 8 years, the National Center on Child Abuse and Neglect (NCCAN) has published several dozen reports, reviews, manuals, and other materials on various aspects of the child abuse and neglect problem. Addressing primarily the information needs of professionals, these publications represent the current state of knowledge and practice in the field. They also are an important part of NCCAN's mission to draw public attention to the problem of child abuse and neglect, to increase understanding of the nature of the problem, to assist professionals in improving services to children and families, and to help service providers keep up with new information in the field.

The ***Catalog*** provides bibliographic information and brief annotations for each publication currently available from NCCAN. The items are listed alphabetically by title. **Single** copies of the publications listed in the ***Catalog*** are available from Clearinghouse on Child Abuse and Neglect Information, with the exception of ***Child Sexual Abuse Prevention: Tips to Parents*** for which **multiple** copies are available.

To order, send the Clearinghouse a check for the total amount of money made payable to the CLEARINGHOUSE ON CHILD ABUSE AND NEGLECT INFORMATION. All orders must be prepaid. Include the order numbers, codes and prices for the materials in your cover letter. The address is:

Clearinghouse on Child Abuse and Neglect Information
P.O. Box 1182
Washington, D.C. 20013

For more information, contact the Clearinghouse at (301)251-5157.

Selected Resources for Educators

The Educator's Role in the Prevention and Treatment of Child Abuse and Neglect. Delineates the roles of teachers, administrators, pupil services staff, school nurses, state education agencies, Board of Education members, and school-affiliated groups in identification, treatment, and prevention. 1984. 73p.
84-30172
Free
Code 12A

A Self-Instructional Text for Head Start Personnel. Basic information on child abuse and neglect to facilitate discussion during Head Start staff development and in-service training. 1978. 135p.
78-31103
$13.50
Code 3D

Child Abuse and Neglect Curriculum in Schools. Examines the educator's professional responsibility in reporting suspected child abuse/neglect cases, legal responsibility of educational personnel, and a curriculum for teacher education programs. 1981. 30p.
81-30318
$3.50
Code 12B

Leaders' Manual: A Curriculum on Child Abuse and Neglect. Teachers instruction and resources materials on understanding child abuse/neglect, physical abuse, emotional maltreatment, sexual abuse, protective intervention, role of the courts and community planning for prevention. 1979. 348p.

79-30220
$34.80
Code 13A

OVERVIEW. Everything You Always Wanted To Know About Child Abuse and Neglect. Information covers types and signs of child abuse and neglect, profiles of victims and families, causes, treatment and reporting laws. 1984. 23p.

20-01016
Free
Code 16A

Special Materials

BROCHURE. Clearinghouse on Child Abuse and Neglect Information. Describes services of the Clearinghouse.

20-01014
Free
Code 17B

POSTER. A Commitment to Children (6th National Conference)

20-01013
Free
Code *

THESAURUS. Child Abuse and Neglect Thesaurus. Controlled vocabulary used for Clearinghouse data base March 1983. 149p.

20-01018
$7.00
Code 2B

DATA TAPE. National incidence study done in 1981/82. Includes documentation, list of users and documents 81-30325, 81-30326, and 81-30329 (see below).

20-01002
$50.00
Code *

MULTIPLE COPIES available while supply lasts.

Child Sexual Abuse Prevention: Tips to Parents. Public awareness pamphlet.

20-01036
Free
Code 19B

Other Materials

Adolescent Maltreatment: Issues and Program Models. Describes problems faced by professionals who deal with abused teens, service models, and past, present, and future perspectives. 1984. 116p.

84-30339
Free
Code 23C

Analysis of Child Abuse and Neglect Programs. Covers direct services, indirect services, hotlines, and helplines. 1983. 55p.

20-01021
$5.50
Code*

Child Protection: Guidelines for Policy and Program. Guidelines for program, policy, and procedures assessments and improvement, as well as for planning/implementing changes in child protective systems. 1982. 178p.

20-1006
$17.80
Code 9D

Child Protection in Military Communities. Stresses in the military lifestyle, jurisdictional issues, military child advocacy programs, and a model approach for military-civilian cooperation. 1980. 30p.

80-30260
$9.00
Code 18B

Child Protection: Providing Ongoing Services. User Manual Series, guidance for evaluating and working with abusive or neglectful families. 1980. 92p.

80-30262
$9.20
Code 14B

Child Protection: The Role of the Courts. (User Manual Series) Discussion of juvenile court processes and procedures; includes case preparation, testimony, use of witnesses, and proceedings involving Native American children. 1980. 73p.

80-30256
$7.30
Code 5C

Children's Trust Funds. Overview of concept and information on various states' approaches. 1984. 79p.

20-1020
$7.90
Code 12D

A Community Approach: The Child Protection Coordination Committee. (User Manual Series) Examines planning, organizing, and operating a community child protection coordinating committee, including identifying potential participants and central issues. 1979. 84p.

79-30195
$8.40
Code 10D

Crisis Intervention: A Manual for Child Protective Workers. (User Manual Series) Presents principles and techniques of crisis intervention in child abuse and neglect cases. 1979. 45p.

79-30196
$4.50
Code 7C

Daniel el Travieso: Como Menejar la Tension Familiar. Spanish-language "Dennis the Menace" cartoon strip shows how stress can affect parent-child relationships and how to deal with such pressures. Intended for the general public. 1981. 16p.

20-1037
Free
Code 14D

Early Childhood Programs and the Prevention and Treatment of Child Abuse and Neglect (User Manual Series) Describes the roles of early childhood programs in child abuse and neglect identification, treatment, and prevention. 1979. 84p.

79-30198
$8.40
Code 1D

Families in Stress. Advice for parents under stress includes telephone contact with a trained counselor and help from community services. Intended for the general public. 1981. 20p.

81-30162
$2.00
Code 2A

116

Family Violence: Intervention Strategies. (User Manual Series) Areas covered include the causes and effects of domestic strife, intervention strategies, and program development techniques. 1980. 101p.

80-30258
$10.10
Code 14C

Guidelines for the Hospital and Clinic Management of Child Abuse and Neglect. (User Manual Series) Covers responsibilities of nonmedical personnel, legal requirements, emergency room, physical abuse, incest, malnutrition, and identifying high risk families. 1980. 71p.

80-30167
$7.10
Code 4A

How to Plan and Carry Out a Successful Public Awareness Program on Child Abuse and Neglect. Guidelines for developing a public awareness campaign responsive to local needs and the objectives of particular organizations. 1980. 75p.

80-30089
$7.50
Code 6D

Law File in Element Order: 1983. Elements of State child abuse and neglect laws are described under their common elements by State. 1983. 428p.

20-01031
$25.00
Code 21C

Law File in State Order: 1983. Elements of child abuse and neglect laws are presented alphabetically by State. 1983. 426p.

20-01032
$25.00
Code 20C

The Nurse's Role in the Prevention and Treatment of Child Abuse and Neglect. (User Manual Series) Describes the nurse's role in identifying, reporting, assessing, treating, and preventing child abuse and neglect, as well as in support of child protection system. 1979. 80p.

79-30202
$8.00
Code 4B

Parent Aides in Child Abuse and Neglect Programs. (User Manual Series) Information on developing and implementing a parent aide program. 1979. 75p.

79-30200
$7.50
Code 12C

Parenting: An Annotated Bibliography. Topics covered include parenting for teenagers and single parents, working mothers, discipline, and behavior modification. Intended for the general public. 1981. 34p.

81-30134
$3.40
Code 9A

Perspectives on Child Management in the Mid '80s. Collection of papers on topics, projects and programs in child abuse and neglect. 1984. 72p.

84-30338
$7.20
Code 19A

Reaching Out: The Volunteer in Child Abuse and Neglect Programs. Describes volunteer roles in helping families and agencies, as well as agency volunteer recruiting. Intended for both professional and general public. 1979. 55p.

79-30174
$5.50
Code 1A

117

Review of Child Abuse and Neglect Research, 1983. Covers definition, psychosocial ecology, incidence and prevalence, treatment, consequences and legal issues on child abuse and neglect. 1983. 291p.

20-01027
$25.00
Code 19C

Representation for the Abused and Neglected Child: The Guardian Ad Litem and Legal Counsel. Discusses who should represent the child in abuse and neglect proceedings, functions of representation, and effective representation. 1980. 22p.

80-30272
Free
Code 13D

The Role of Law Enforcement in the Prevention and Treatment of Child Abuse and Neglect. (User Manual Series) Delineates the responsibilities of police officers in child abuse and neglect identification, treatment and prevention. 1984. 69p.

84-30193
Free
Code 5B

The Role of Mental Health Professional in the Prevention and Treatment of Child Abuse and Neglect. (User Manual Series) Delineates the responsibilities of the mental health professional in child abuse and neglect, identification treatment, and prevention. 1979. 103p.

79-30194
$10.30
Code 7B

Selected Readings on Adolescent Maltreatment. Includes incidence of teenage abuse and neglect, sexually mistreated adolescents, intervention and service delivery, and physical abuse of adolescents. 1981. 118p.

81-30301
$11.80
Code 11D

Selected Readings on Child Neglect. Six recent papers on definitions, standards, treatment, court proceedings, and other important aspects of child neglect. 1980. 68p.

80-30253
$6.80
Code 22B

National Study of the Incidence and Severity of Child Abuse and Neglect: Study Findings. Analyzes data on the incidence of recognized maltreatment, subpopulation incidence estimates, characteristics of maltreated children, and demographics of recognition and reporting. 1981. 56p.

81-30325
$5.60
Code 15A

National Study of the Incidence and Severity of Child Abuse and Neglect: Study Methodology. Summarizes the sample design and estimation procedures used in the National Study of the Incidence and Severity of Child Abuse and Neglect. 1981. 325p.

81-30326
$32.50
Code 13B

National Study of the Incidence and Severity of Child Abuse and Neglect: Executive Summary. Data analysis for May 1979 - April 1980 covers number of reported and estimated cases of abuse and neglect, incidence rates and numbers of major forms of child maltreatment, and age and sex of victims. 1981. 17p.

81-30329
Free
Code 15D

State and Child Abuse and Neglect Laws — A Comparative Analysis. Covers such topics as definition, evidence, procedures, and reporting. 1983. 103p.

20-01030
$10.30
Code 19D

Training in the Prevention and Treatment of Child Abuse and Neglect. (User Manual Series) Considers the importance, timing, and training of personnel, as well as training program design. 1979. 85p.

79-30201
$8.50
Code 98

Treatment for Abused and Neglected Children. (User Manual Series) Synthesizes current knowledge about the needs of abused and neglected children as well as approaches for meeting these needs. 1979. 90p.

79-30199
$9.00
Code 21D

Volunteers in Child Abuse and Neglect Programs. Discusses traditional and innovative roles for volunteers, and lists child abuse and neglect programs that use volunteers. 1980. 49p.

80-30151
$4.90
Code 24C

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